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# SCOT OF CUPAR'S

# APOLOGETICAL NARRATION.

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# FORBES OF ALFORD'S

# RECORDS CONCERNING THE CHURCH.

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AN

# APOLOGETICAL NARRATION

## OF THE STATE AND GOVERNMENT OF THE KIRK OF SCOTLAND SINCE THE REFORMATION:

BY WILLIAM SCOT,

MINISTER OF CUPAR.

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# CERTAINE RECORDS

## TOUCHING THE ESTATE OF THE KIRK IN THE YEARS M.DC.V. & M.DC.VI.

BY JOHN FORBES,

MINISTER OF ALFORD.

EDINBURGH:

PRINTED FOR THE WODROW SOCIETY.

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# PREFACE.

THE two Works contained in the present volume, although they are now printed for the first time, appear to have been extensively circulated in manuscript, and they are often quoted as works of authority by learned Presbyterian writers. The COUNCIL of the WODROW SOCIETY, having resolved upon their publication, and the gentleman to whom the task of editing had been devolved finding himself unable to undertake it within the limited time, I was requested to superintend the volume through the press, in co-operation with the REV. JAMES ANDERSON, who had undertaken the more laborious part of transcribing and collating the Manuscripts, as well as of correcting the proof-sheets.

As neither of the Works is of a nature to require minute illustration, our chief object has been to present an accurate text, by a comparison of what were considered to be the most accurate or authentic copies.

## I. SCOT'S APOLOGETICAL NARRATION.

This work presents a brief but comprehensive view of the affairs of the Kirk from the Reformation in 1560, till the meeting of Parlia-

ment after the arrival of Charles the First in Scotland in 1633. Thus it embraces a period of Ecclesiastical History which has been much more fully detailed and illustrated by Calderwood and later writers. The personal share however which the Author had in many of the later transactions recorded in his work, gives it a degree of value which it might not otherwise have possessed.

Petrie, in the latter part of his History of the Catholick Church, printed at the Hague, in 1662, (part iii. p. 371,) made considerable use of it. He quotes it under the title of "*The Historical Narration of the Government of the Church*, which (he says) is common now in writ, and said to have been penned by William Scot, the eminent minister of Couper." In the subjoined note I have endeavoured to claim for him, after an interval of two centuries, the authorship of a well-known work which was published anonymously in the year 1622, under the following title:—"THE COURSE OF CONFORMITIE,"

As it { Hath proceeded, / Is concluded, / Should be refused.

Psalm, xciv. 20. *Shall the throne of iniquitie have fellowship with me, which frameth mischief by a law?* Printed in the year 1622, 4to.*

* After the above title, "The Preface to the Reader" fills 8 leaves, and the table of "The Course of Conformitie," other 3 leaves. The tract itself, which ends on page 168, assumes the form of a dialogue between an aged minister, *Epaphras*, and a young minister, *Archippus*; and includes copies of various Protestations and other documents, as well as a Treatise on the new Office of Bishops, divided into 13 chapters (pp. 20-48.) It has hitherto been ascribed to David Calderwood; but I am inclined to assign the authorship of it to WILLIAM SCOT:—1. From the manner in which he repeatedly refers to it in his Apologetical Narration; 2. The

The text of SCOT'S APOLOGETICAL NARRATION is given from a manuscript in the possession of Dr. James Keith, Fellow of the Royal College of Surgeons, Edinburgh; and the best thanks of the Society are due to that gentleman for the very liberal manner in which he afforded the use of it to the Council. It is a small folio, written in a neat and legible hand of the time of the author, and extends to 282 pages. Two more recent manuscripts in the Library of the Faculty of Advocates have also been used. The one is a 4to volume of 351 pages, (marked Wodrow MSS. 4to vol. xv.,) written about the end of the 17th century, and has been carefully collated.* The other is a folio, pp. 238, (marked 34: 2: 11,) and corresponds so closely with Wodrow's MS., as to render it not improbable that it was transcribed from it. On a fly-leaf, it has the name of "Al. Dunlop," who was Professor of Greek in the University of Glasgow, and it is supposed to have

improbability that Calderwood, who at this time was an exile in Holland, and was engaged in various other works, could readily have compiled it; and, 3, That in a copy in my possession, there is written, in a contemporary hand, "By M. W. S." the initials of Scot's name. In corroboration of this, I find that Johnston of Warriston, in some MS. collections which I possess, under the title of the "Third Part of Testimonies," refers to "the Course of Conformitie," page 73, "wherein worthy Mr William Scot, and Mr Henderson, and others, spake their mynd freely and fully." This reference may suggest an obvious inference, that Scot himself appears as *Epaphras*, and Henderson, who had not been more than six or seven years in the ministry, as *Archippus*. It is also more than probable that the manuscript, having been sent to Calderwood in Holland, where it evidently was printed, he may have written "The Preface to the Reader," in which he speaks of it as being "from a ready mind and a good will," and characterizes the "two honest Epitomists" in a manner which the Author himself would probably not have done.

* Among the Harleian MSS., No. 4621, is a copy of Scot's Narrative, in "small fol'o of 211 pages, closely written in a small hand." (Catal. vol. iii. p. 180.) This, I presume, was the copy to which Wodrow refers in the passage quoted in a note to page xxvii., as having belonged to James Anderson, author of the "Diplomata Scotiæ," from whom Harley, Earl of Oxford, obtained several of the Harleian MSS. now in the British Museum. A similar copy was purchased, along with Professor Matthew Crawfurd's Manuscripts, by the General Assembly, in the year 1736.

belonged to the Hon. James Erskine of Grange, Lord Justice-Clerk, from 1710 to 1734, but who survived till 1754.

The APOLOGETICAL NARRATION is presented to the Members of the Wodrow Society without claiming to be regarded as a work of any great historical importance, but as one that is worthy of preservation by such a Society, were it merely to serve as a literary memorial of a man who was so highly and justly respected, during a long life, and in times of no ordinary difficulty, for his uniform zeal and fidelity in his ministerial labours, and who joined extensive learning with singular modesty and soundness of judgment.

## II. FORBES'S CERTAINE RECORDS.

This work is of a much more limited nature than Scot's Narration; but it may be deemed of greater importance, from its exhibiting, in full detail, by one of the leading sufferers, the whole iniquitous proceedings against those Ministers who were present at the meeting of the General Assembly which had been appointed to be held at Aberdeen in July 1605. The MS. from which the text was prepared for press is in the Advocates Library, (marked 34 : 5 : 8,) and bears the following title :—

"THE REFORMATION OF RELIGION IN SCOTLAND, containing the Beginning, Progress, and Establishing of the Trueth, both in Doctrine and Discipline, within the same. *Ex Authoris Autographo.*" But this title does not properly describe the work. It is a 4to, pp. 209, and on the first leaf is written, in a legible hand, "Ex

chartaceis Mri. Hugonis Craig, 1690, A. D. C. S." It forms part of a collection, in four volumes, lettered on the back "Kirk MSS." A., B., C., and D.; and having belonged to the Hon. John Swinton of Swinton, one of the Lords of Session, from 1782 to 1799, it is in the present volume quoted as "Swinton's MS." A literal transcript of this MS., made about the beginning of the last century, is in the possession of the Rev. Thomas M'Cric, Edinburgh.

It however appears that Forbes had subsequently revised his work, and made very considerable additions to it, giving it the title of "CERTAINE RECORDS TOUCHING THE ESTATE OF THE CHURCH," &c. It was therefore necessary that the additional chapters or passages should be incorporated with the original work; but all these additions are pointed out in the foot-notes. Two copies of this enlarged manuscript are preserved in the Advocates Library. One of these, written in a legible hand of the reign of Charles I., is a small 4to, pp. 301, (marked 32 : 4 : 5,) and, having the name of a former possessor, "Ex libris Johannis Gibson, Dec. 22. 1704," it is, for the sake of distinction, quoted as "Gibson's MS." The other is a large 4to, pp. 126, (marked "Wodrow MSS. 4to, vol. xiii.,") and is an accurate transcript of that MS. made about the year 1700.

Among the Biographical Collections by the REV. ROBERT WODROW, deposited in the Library of the University of Glasgow, are copious Lives both of Scot and Forbes. Many years have now elapsed since I had an opportunity of examining and taking notes from these Collections; but the hasty manner in which all these Lives were compiled by the indefatigable Author, and the

extent of the two specially referred to, rendered it altogether unadvisable to apply for permission to have them transcribed and added to the present volume. Indeed the materials of Scot's Life consist almost wholly of extracts from Calderwood's larger History, which is now in the hands of the Members of the Wodrow Society; and those of Forbes exhibit little else than a series of extracts from Forbes's own work, which forms the latter part of this volume. To satisfy however the Reader's curiosity, Mr Anderson, having recently examined Wodrow's Collections at Glasgow, for that purpose, has condensed in the following pages the whole information contained in these unpublished Lives, with such additions and corrections as the researches of later times have supplied.

DAVID LAING.

SIGNET LIBRARY,
10 *July* 1846.

# NOTICE OF THE LIFE

OF

# MR WILLIAM SCOT.

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William Scot, the author of the "Apologetical Narration of the State of the Kirk of Scotland," was a man of high character and of very considerable influence in his day; but our knowledge of his personal history is, in a great measure, limited to a few facts connected with his public life. As to his parentage, birth and education, Wodrow had not succeeded in obtaining any information. "It's not improbable," he says, "he was a native of Fife, educat at St. Andrews under Mr Andrew Melville, who had the pleasure to see many of his scholars useful and eminent in the Church." * It appears however, from the statement respecting his age at the time of his death, † that he was born in the year 1558, and derived his origin from the Scots of Balwearie, a family of great antiquity in Fife. But his father, Robert Scot, seems to have been a younger son, and to have died about the beginning of 1605. This we learn from the Retours of Service: Mr William Scot, minister of the Word of God in the Church of Cupar, having been served heir of his father, Robert Scot in Mylne-dean, in the third part of the lands of the northern portion of Pitblado, 3d April 1605.‡

* Wodrow's Life of Scot, MS.

† See his Funeral Inscription, at page xxx.

‡ Retours, Fife, No. 150.

Being intended for the ministry, William Scot received a learned education at St Andrews, having matriculated or entered in St Salvator's College in 1582; and in 1585 he took his Master's degree.* It has not been ascertained at what time he was admitted to the ministry; but his name occurs as minister at Kennoway, in Fife, in the proceedings of the General Assembly in 1595;† and he was translated from thence to Cupar, in the county of Fife, in 1602, where he continued to labour till his death, for the long period of forty years.‡

It may be noticed that Wodrow, in his life of Scot, falls into a mistake in supposing that he was minister of Cupar so early as 1596. Professing to derive his information from Calderwood, he says, "I find him minister there, May 1596, when, as we have seen in Mr James Melville's, and Mr John Davidson's Lives, the Synod of Fife met at Dunfermline, for renewing the nation's, and their own ministerial covenant with the Lord. It would seem, (he adds,) Mr Scot had been Moderator of the former Synod, and now he preaches at the opening of that meeting; and Mr Calderwood says it was an excellent discourse." Calderwood, however, does not say that Scot was minister at Cupar in 1596; but that he was minister there at the time when he wrote his history. His words are, "Mr William Scot, *presently* minister at Cupar, made a notable exhortation."§ Scot was minister of Kennoway in 1596. How long he had held this charge previous to that year is uncertain. "But we may guess from his being Moderator of that Synod, which by this time was as much planted as any Synod in the Church, and at this time and afterwards were eminent for their firm and zealous appearances for truth, and against corruptions of all kinds, that he was ordained to the ministry some years before.

* A note of these dates was obligingly communicated to Mr Laing by Principal Lee, who adds that Scot appears with his fellow-student Adam Colt, as *pauperes* (or *minus potentes*,) that is, persons who paid the lowest fees.

† The Booke of the Universall Kirk, vol. iii. p. 856.

‡ Selections from the Minutes of the Synod of Fife, printed by the Bannatyne Club, pp. 219-230.

§ Calderwood's History, vol. v. p. 133.

it not being ordinary to make ministers Moderators of Synods till they had been some time in the ministry." *

In the year 1602, the General Assembly which met at Holyroodhouse in November, having appointed ministers to reside for some months in the families of the Popish Lords, "by whose labours in the meantyme . . . the said noblemen and thair families may be confirmit in the trueth, and the enemies therof debarrit from thair companies," Scot was fixed upon for the Earl of Huntly's family, and also put on the Committee for drawing up instructions and directions to the ministers thus appointed. † Huntly was then the leading man among the Popish nobility, and distinguished for his activity and zeal in supporting and encouraging Popery in the North. It was, therefore, a proof of the high estimation in which Scot was held by his brethren, when they selected him for so delicate and difficult a situation.

We again find him Moderator of the Synod of Fife held at St Andrews in September 1604; for, at the opening of the next meeting of that Synod at Burntisland in April 1605, he "taught powerfully against the corruptions entered in our Kirk." ‡

Scot cordially sympathised with the ministers who were imprisoned and prosecuted for holding a General Assembly at Aberdeen in 1605, and took an active part in the exertions made to obtain their liberty. With this view, he and other Commissioners from the Presbyteries of Fife, appeared before the Privy Council upon the 14th of November, with a petition in their behalf, § which, being refused, and the Council having desired the Commissioners to

* Wodrow's Life of Scot, MS.

† The Booke of the Universall Kirk, p. 984. Wodrow, ignorant of the fact that Scot was first minister at Kennoway, in speaking of this appointment says, "Indeed, in Calderwood's MS., this Mr Scot is termed minister at Kennoway, and may be another minister of the same name. But I suppose it was the same whose life I am upon; but, being uncertain, I say no further on this." He afterwards supposes Kennoway to be a mistake for Cupar.

‡ Calderwood's History, vol. vi. p. 276.

§ Two ministers belonging to the same Presbytery with Scot having been sent to attend the Assembly at Aberdeen, were among the imprisoned, and were afterwards banished, namely, Mr John Sharpe, minister of Kilmany, and Mr Alexander Strachan, minister of Creich.

apply directly to the King, Scot drew up a petition praying for their restoration to liberty. In various other ways he testified his deep interest and Christian sympathy in their sufferings.

In May 1606, letters were sent from the King to eight of the most eminent ministers of the Scottish Church, of which number Scot was one, requiring them to come to the Court before the 15th of September ensuing, the professed object being to treat with them in matters respecting the peace of the Church, but the real object of which was to enable the King to carry forward his measures for the establishment of Episcopacy in Scotland with the more success. Fourteen of the most zealous of the ministers being now shut up in prisons, were deprived of the power of resisting these measures; and to lessen the resistance still more, these eight ministers,—including the Melvilles, the master spirits of the Church of Scotland,—being those whose opposition was chiefly dreaded, were called up to Court, to remove them from the scene of action, where their opposition would have been most powerful and successful. Scot, before he took ship with Andrew and James Melville for London, on the 15th of August, received the following letter, which Wodrow supposes to be from one of the ministers imprisoned in Blackness, although it is not subscribed, nor bears the name of the place from which it was written. * It is addressed thus: "To the Right Honourable Mr William Scot, Minister of Cupar, deliver this," and is as followes:—

"RIGHT HONOURABLE,

"After my hearty salutations, I am wo that I should not see you before your journey. This miserable situation of ours has promised and beguiled me. But, seeing it is so, in God's provi-

* This letter Wodrow has inserted in his Life of Scot; and he thinks it probable that it was written by Mr Forbes or Mr Welsh. "But," says he, "it does not look so like Mr Welsh's hand, several of whose original letters I have." The original is among the Wodrow MSS. vol. xlii. folio, no. 49; but neither does it appear to resemble the handwriting of Forbes, one of whose autograph letters we have seen. From internal evidence there can be no doubt that it was written by some one of the ministers imprisoned for holding the Aberdeen Assembly; and we may hazard the conjecture that it was written by John Sharpe of Kilmany.

dence, I shall remember you as God shall give me. We all thought to have conferred with you or some of the rest, but we know the cause, and we are dear to you; and, seeing the cause of Christ is als dear to you as to us, we need not speak of it. The news we have are, that our brethren are to be layed first with fair words and some deeds, for every one shall have 500d merks, when ye come there; and if that cannot prevail, next boasting. But I hope the Lord shall be with you. They say you are to be dealt with to condescend to thir three things: 1. To the King's supremacy; next, to the Bishop's directions; and, thirdly, to allow of our conviction. This last Thursday there was a supplication given in to the Council upon this occasion, because several of our flocks who are in ward be infected with the pest; as Ayr, and the hail brethren's flocks almost that are in Ness. The President was friendly, for he read it before and mended some things, and caused write it over. Marr and Elphinstoun and Fleeming assisted it. It was concluded it should be sent in the first packet. Mar has promised. Dumbar came not in till Friday. He was dealt with. It was said that of new he had gotten full commission anent us; but he denies. He has promised to do meikle; but I look not that ever God shall favour him with sic a good turn. I cannot express my grief that I have not seen you. The Lord give us a blessed meeting, and direct you and the rest in this dangerous time, that ye may kythe faithful and zealous of his honour. As for us, we are contented to stand with this cause of Christ, and ready to fail with it. My cousin of Glasgow * wrote to me the last day, and I to him. He has promised meikle. He is an courtiour. Ye may confer with him as ye have occasion. I am wo that he should be that other way. I have not will to trouble you, so many otherways I know vexed; but I pray the Lord to direct and guide you, and give us an happy meeting. Ye will leave two lines if ye have any purpose. The grace of God be with you! Your own.

"The 9th of August 1606.

"The Brethren commend themselves to you."

* Probably Patrick Sharpe, Principal of the College of Glasgow.

Scot and his brethren reached London in due time, and were admitted to a conference with the King on the 22d of September, when "the King made an eloquent speech, tending to this or the like purpose, shewing, that whereas he had left the Church of Scotland in great peace at his departure, being now desirous to have the same continued, he had sent for them to know of the particular disturbances thereof, which lately had therein arisen, and to hear their advice and counsel how the same might be composed and mitigat; showing also, how happy this Church of England was established under the government of Bishops. In end, he grew to two particulars, to wit, 1*mo*, To demand what they thought of that conventicle (for so continually he called it) at Aberdeen; and whether they would condemn the same or not. 2*do*, What overtures they would give for a peaceable and ordinar Assembly to be kept."* Another conference between the King and the eight ministers took place on the 23d of September, when they were again examined as to the lawfulness of the Assembly held at Aberdeen. On this occasion, after several of his brethren had delivered their sentiments on this subject, "his Majesty's Attorney, Sir Thomas Hamilton, began to presse Mr William Scot touching the said point, to whom he answered so gravely and learnedly, using both termes of law, logick and theologie, that he had the great applause of the nobilitie of England, the King's Advocate, seeing the said Mr William to answer so discreetly."† On Monday, the 29th of September, they were again examined before the Council of Scotland on the same subject, and also in reference to their praying for the imprisoned Ministers. The Council, "after they had asked their mind again of every one in particular touching that Assembly at Aberdeen, put the deponer in a corner, lest, returning, he might signifie to the subsequent what he had confessed; in which

* A Report of the Conferences betwixt his Majesty and the Ministers of Scotland, holden at Hampton Court, 22d September 1606, in Wodrow MSS. vol. xlii., folio, no. 49. This paper contains some particulars concerning this conference, which are not in Calderwood's History; and, on this account, we have quoted more largely from it than we would otherwise have done.

† Ibid.

trial God so ruled all their hearts and mouths, that (although none of them heard what another had confessed, yet) all of them agreed joyntly in one harmonie. The said day they demanded them also, if they had prayed for the prisoners, and what was the particular form thereof, who confessed that all of them had prayed, but the particular form they could not remember, seeing many of them used not a set forme. Alwayes at that time some of them rehearsed the particular words as neere as they could remember, and subscribed the same with their hands. Others desired a time to call the same to minde. . . . . Thereafter, they were called before the Council to give in the particular forme of their prayer subscribed by their hands; at which time also, they, who the night before *extempore* had done the same, gave in the particular forme of their prayers as more advisedly thought upon." *

They were also required by the Council to return, each for himself, written answers to three written articles which were delivered to them; the first referring to their praying for the imprisoned Ministers; the second, to the King's power to call and prorogue General Assemblies; and the third, to his power over all persons and in all causes, civil or ecclesiastical. The answers of Scot to these questions substantially agreed with those of his brethren, and are expressed with much modesty and courtesy; but he takes due care not to acknowledge the high pretensions of royal prerogative, which it was the object of these questions to assert. †

Two methods were adopted by the King to convert Scot and his associates to the measures of the Court for the subversion of Presbytery and the establishment of Prelacy on its ruins. First, some of the most learned Doctors of the English Church were employed to deliver discourses before them in confutation of Presbytery and in defence of Prelacy; the Scottish Ministers being seated directly before the pulpit, that they might the more dis-

* A Report of the Conferences between his Majesty and the Ministers of Scotland, &c. Wodrow MSS. vol. xlii. folio.

† See his Answers at pp. 173-175 of his Apologetical Narration.

tinctly hear, and be the more deeply impressed by the orations of these learned preachers. The following is the account given of this singular piece of king's craft in a paper which we have more than once quoted: "The Dean of Westminster sent to Mr John Gordon, Dean of Salisburrie, to desire them to be at sermon to-morrow following, the 21st of September. After their riding to Church a seat was prepared for them hard by the pulpit, where Dr Barlo [Barlow], Bishop of Rochester, made the sermon on Acts xx. 28, '*Attendite vobis, et toti gregi in quo constituit vos Spiritus Sanctus episcopos;*' which words he urged for Bishops, Archbishops, &c., their jurisdiction and superioritie over the other ministrie, much abusing Fathers, perverting Scripture and delivering many points of Popish doctrines. . . On Tuesday, 23d September, in the morning, they were warned by the said Mr Alexander Hay to be at sermon again; who, when they had come to the King's Chappel were placed hard by the pulpit to heare Dr Bucrage [Buckridge] on Rom. xiii. 1, '*Omnis anima potestatibus superioribus subjecto esto*,' *&c.*, touching the King's Supremacie; who altho he delt not so naughtily as the former, yet still wyned Pope and Presbyterie together as enemies to King's supremacie. . . The Sabbath following they were charged to come to his Majestie's Chappell, to hear Dr Andrews, Bishop of Westminster, * opening up Numbers [x. 1, 2,]; in which he compared their Presbyteries to the conspiracie of Corah, Dathan and Abiram. . . On the morrow, being Tuesday, the 30th September, the sermon being begun by Dr King, and they missed from the Chappel, were sent for with all expedition, who comeing heard him." † This sermon was in the same style as the preceding. "Dr King," says Calderwood, "made a most virulent invective against the Presbyteries, crying to the King, 'Doun, doun with them'!" ‡ But the elaborate discourses of these learned Doctors were entirely thrown away upon those for whose immediate benefit

* Dr Lancelot Andrewes was successively Bishop of Ely, Chichester and Winchester.
† A Report of the Conferences, &c.
‡ Calderwood's History, vol. vi. p. 582.

they were intended, who, so far from being convinced, offered to answer the Sermons; which James prudently would not permit, well knowing that his English Bishops had very imperfectly studied this controversy. These four Sermons having been printed, Scot was one of those appointed by his brethren to prepare an answer to them; but which never appeared. *

This method of conversion failing of success, another was adopted. The Ministers were to be placed in the houses of some Dean or Doctor of note, whose private influence might be brought to bear upon them. "The 23d of November Alexander Hay was sent to them from his Majesty with this ambassage: That whereas his Majesty had sent for them to heare their counsell and advice in pacifying matters, and that they had not satisfied his Majesty, but some of them had shewed themselves inobedient to his Majesty's command, therefore he thought good to send them to the school of obedience." † (Then follow the names of the Ministers and of the Doctors with whom they were to be lodged.) No more, however, was heard of this till about three months after, when this charge was renewed; which led the Ministers to present a supplication to the Council of England, complaining of such a mode of treatment, and praying to be allowed to return home. The supplication having been delivered to Bancroft, Archbishop of Canterbury, to be answered, he sent for two of their number to come and speak with him. Scot and James Melville went to his house at Lambeth, where his Grace received them with all the affability of a courtier. After conversing on the order of the Council requiring each of the ministers to take up his residence with some Dean or Bishop, and on the desirableness of a union between the Churches of England and Scotland, the Archbishop observed that the only difference between the two Churches consisted in forms of government and some ceremonies, and that, since they came from Scotland, he understood their Church was almost brought to one with the English Church in that also, Constant

* Melville's Diary, Wodrow Society edition, p. 678.

† A Report of the Conferences, &c.

Moderators having been appointed in their General Assemblies, Synods and Presbyteries.

Such a communication could only inflict a deep wound on the heart of the Ministers, who regarded this as a step to the overthrow of that system of Church government which was dearer to them than life, because they believed it to be the only form of Church government which Christ had appointed in his Word. Accordingly, Scot, who could not remain silent when this tender point, which awakened all the sensibilities of his soul, was touched upon, " beganne a wise and solid conference and discourse, saying and laying sic groundis as mycht beir up a suir and graive worke; and making mentioun of our dewtie to Chryst and a guid conscience." But to speak of " dewtie to Chryst and a guid conscience," as involved in the defence of Presbytery, must have appeared ridiculous to the Archbishop, or, in his own elegant phrase, a sample of " the gaggle and noise of the puritanical geese and dogs." The man could not think or feel otherwise who regarded the zealous Presbyterians as he did Knox, the founder of Presbyterianism in Scotland, as " men altogether carried away with a mad fury," and " as chief authors of all the domestic unquietness and sedition that of a long time, through the malice of Satan, hath been within the bowels of our commonwealth;" and, accordingly, with a smile of apparent courtesy, but which, in reality, must have proceeded from, or concealed contempt, he interrupted Scot, and with affected condescension and familiarity, tapping him on the shoulder, said, " Tush, man! here, take a cup of good sack!" And so, filling the cup, and holding the napkin in his own hand, he made them drink. *

We shall only farther remark of Scot while at London, " that by his prudence and wisdom, as well as his good address, he was very useful to all the rest of his brethren there; and such was his gravity and respectful carriage there, that some of the English nobility when they saw the hard treatment the Ministers met with,

* Melville's Diary, p. 700; Miscellany of the Wodrow Society, p. 491.

offered Mr Scot great welcome and encouragement if he would stay with them in their families." *

In May 1607, Scot was allowed to return to Scotland, and to his own flock, provided he sent to Court a testimonial of his good behaviour from the Archbishop of St Andrews; and failing this, he was required to return to London before the 15th of July. Whether Gladstanes was disposed to give Scot a testimonial of good behaviour, or to allow him to remain at home, except from considerations of mere policy, may be easily inferred from the following extract from a letter which he addressed to the King, dated St Andrews, July the 20th 1607: "I received from your Majesty a direction anent Mr William Scot minister at Cupar, that the Bishop of Dunkeld, the Lord Scoon and I, should report to your Majesty whither his presence here might be beneficiall to the peace of the Kirk and your Highness service, that therupon your Majesty might prorogat his license of abiding here upon our good report. Sir, if I had been put in trust alone, I would have been bold to have returned my service; for I protest I stand in awe of none bot God and the King. My Lord of Dunkeld is sick and bedfast, and my Lord Scoon is there. I presume, in their absence, most humbly, upon my knees, to beg of your Majesty, that since Mr Scot is come thither, he may have of your Majesty prorogation of his remaining here, till some reasonable day, that may give some occasion to us to explore his disposition and usage, in such sort, as we may give, upon good grounds, an sufficient ground to your Highnes, which may move your Majesty to continou him or remove him. Thus for the present it may please your Highnes to give him a *supersedere* in write, with such confyning as your Highnes thinks meet for an untried man." † The only thing which could be laid to Scot's charge, was his opposition to prelacy, and for this he must be confined, and, if the Archbishop should judge fit, doomed to exile from his native country. Gladstanes clearly

* Wodrow's Life of Scot, MS.

† Life of Archbishop Gladstanes in Wodrow's Biographical Collections, printed by the Maitland Club, vol. i. pp. 250, 251.

considered him as belonging to "the auld Melvinian bruide;" an appellation which he applied to the more public spirited of the Ministers, whose opposition to the plans of the Court and the Estate of the Bishops gave him too much trouble, and whom therefore he desired to be kept under due restraint.* Had it not been for a scheme devised by the Bishops, professedly to restore harmony to the Church, but in reality to lull asleep and divide the ministers, who continued stedfast to the Presbyterian discipline and government, Scot might have been kept longer in England. This scheme was that of Privy Conferences, at which some on the side of each of the parties, which then divided the Church, were appointed to meet before his Majesty or his Majesty's Commissioner, to reason and conclude about ecclesiastical affairs, and to devise, if possible, some middle ground on which both parties might unite.

Scot and some of his brethren, from its being intended to place them on these Conferences, were allowed to remain at home; and accordingly, in the General Assembly held at Linlithgow in July 1608, twenty being appointed, ten on each side, for holding a conference of the nature we have described, Scot was nominated one of the number. He attended the Conference which took place at Falkland in May 1609; but he soon found that all his own and his friends efforts and reasonings at such meetings, however zealous and powerful, did little good in arresting the progress of defection. "I doubt not," says he in a letter to James Melville, dated September the 16th 1609, "most loving father,

* As an indication of Gladstanes's disposition towards these Ministers, we shall only quote one instance taken from his "Memoirs to the King," in which he says, "The Dyocesian Synode of Fyfe and remanent kirks of my Diocie, betwixt Tay and Forth, hath bene holden heir in your Majestie's citie quhair thair was some opposition maid in the beginning be Mr Jhone Malcolme and some of the auld Melvinian bruide that remains heir; but I repressed them by authoritie and reason, to the great contentment of all your Majestie's gude and faithful subjects that were present in great nomber, swa that thereafter I keiped that Assemblie with great peace and obedience and reverence to me, so restis onlie the Synode of my Dyocie be-south Forth, which I have indicted in Haddingtoun upon the first day of November." Wodrow MSS. vol. lxix., folio no. 13, p. 18. The Synod here referred to was probably that which was held at St Andrews in 1611. See Calderwood's History, vol. vii, p. 157.

but if ye would censure us as we deserve in thir things, yee might verie justlie esteeme us to be voide of all sound affectioun, that sould be Christians, obliged as we are unto you and to our father, south by. . . I beseeke you, but ceremonies, (most dear unto me,) lett us understand with this trustie bearer your minde particularlie, and wherein we may be more steadable; for we have need to be advised and spurred; we read and we scroll, but the veritie is wounded, and we make no support." To which Melville replies, "My deere and most loving sonne, you would be censured and spurred; but what I sould censure I see not weill, and to spurre a running hors I can not, and yet it is true, there is great need of both to us all." He then proceeds to comment on the Conference at Falkland, the crafty design of its appointment, and the dark prospects of the Church. *

Scot, however, though chosen a member of this Conference, was considered by the Court and the Bishops too dangerous a man to be allowed to attend the judicatories of the Church, as appears from his Apologetical Narration, (p. 206); and from a minute of the Provincial Synod of Fife, held at St Andrews, May the 6th, 1614, to the following effect:—"That humble supplicatione be maid to the King's Majestie, for directing the Secreitt Counsell to gif ane license to Mrs William Row, Jhone Carmichael, William Scot, William Watson and John Scrymegeour, to repair to thair ordinar ecclesiastick judgementis, and releiving thame from their confyning." † This restraint, however, was ultimately removed.

In the Assembly held at Aberdeen, August 1616, Scot, with some others, ‡ were appointed to prepare and publish answers to "some pamphletts and books full of calumnies, quyetlie sett foorth, and spred within this countrey be the Papists, and enemies of the true religioun, . . . to the effect, that therby the peiple may be instructit how to beware of the samein, and the

* Calderwood's History, vol. viii. pp. 48, 49.

† Selections from the Minutes of the Synod of Fife, printed for the Abbotsford Club, p. 78.

‡ The others were Mr William Struthers, Minister at Edinburgh, Patrick Forbes, Laird of Corse, and William Cowper, Bishop of Galloway.

said errours and calumnies may be refutit." * But we are not aware that either he, or any of the rest to whom this task was intrusted, ever published any thing directly in answer to Popish writers. Their attention was probably withdrawn from the Popish controversy in consequence of the debates arising from the enactment and imposition of the Perth Articles, which then began to agitate the country.

To these Articles Scot was decidedly opposed. He was a member of the Assembly at Perth, 1618, at which they were enacted, and distinguished himself by the ability with which he reasoned against them, both in the Privy Conference and in the open Assembly. In the Privy Conference, four were named to dispute the article of kneeling at the receiving of the Lord's Supper, Dr Henry Philip and Dr William Forbes for the one side, and Mr William Scot and Mr John Carmichael for the other. Lord Binning, † in a letter to the King, dated "Santjohnston, the 27th August, at night," [probably 1618,] giving an account of the Conference, says, "Master William Scot of Couper, being commanded to speak, opponed agains the article [of kneeling] with modestie and protestation, that he would be unwilling to adduce reasons to impugne ane proposition cumming from your Majestie; and thairefter proceiding to his argumentis, was secunded be Mr John Carmichell, with more vehemencie and wilfullness. They alledged, that the ordour presently observed in this countrie being agreable to the Word, and Chrystes institution, and they sworne at thair admission to the ministrie to observe the true religion and discipline ressaved in this Church, they could not, with saif conscience, alter it. Which being answered, they came to the substance of the question anent the maner of resaiving, and spent the rest of that day, and ane part of the next, in disputation upon that subject: nothing being omitted be the adversaris, which thair owne inventionis, or the writings of those who allow thair

* The Booke of the Universall Kirk, p. 1120.

† Formerly Sir Thomas Hamilton, Lord Advocate, and successively Lord Binning, Viscount Melrose, and Earl of Haddington.

opinion, could suggest." * But if we may believe this writer, their arguments were " wiselie and learnedlie refuted by my Lord of Glasgow, whom Doctour Lindsay of Dundie, and Doctour Philip of Arbroath, Doctour Bruce, and sum others of the best and most learned did assist, with manie evident and pithie reasons." He farther adds, " The Article was ordained to be voted in the Conference, and in end allowed be so great oddis of voices, as gave wonderfull contentment to all weel affected; yet the number of the vulgar Ministers † having vote in the publict Assemblie being verie great, oure doubt rested what the event might be, of that which depended upon the opinions of an multitude of ignorant and preoccupied people."

At this Assembly it was agreed, that Scot, and Alexander Henderson, should be translated to Edinburgh; but the translation of Scot never took place. ‡ The strong aversion of the citizens of Edinburgh to the Perth Articles probably prevented their obtaining either of these ministers at that time. But this is an evidence of the high character which Scot maintained, and of his reputation as a preacher.

Considering his decided opposition to the Perth Articles, it is not surprising to find him subjected to trouble on that ground; but he seems to have experienced less molestation than some others of his brethren. In 1619 he was called before the High Commission held by Spottiswood at St Andrews, § and accused of being joint author with Mr John Carmichael, minister at Kilconquhar, and Mr Alexander Henderson, minister at Leuchars, of the anonymous tract, entitled " Perth Assembly," &c., proving

* Wodrow MSS. vol. lxix., folio, no. 34. See also an account of this discussion in The Booke of the Universall Kirk, pp. 1153, 1154.

† A contemptuous epithet applied to those Ministers who were opposed to the Perth Articles.

‡ Henderson remained as minister of Leuchars till the year 1638; when, against his own inclination, he was translated to Edinburgh.

§ The writer of the Statistical Account of the parish in 1796, speaks thus of Scot: " This gentleman was of the ancient family of Balwearie, possessed of a considerable estate, and a great favourite with Archbishop Spottiswood, with whom he passed much of his time in the neighbouring delightful retreat of Dairsie;" (vol. v. p. 141.) Such intimacy, however, may well be called in question.

the Nullity of that Assembly,—(a work of which Mr David Calderwood was the author)—but they answered with so much wisdom, that the Bishop failed in obtaining any advantage against them and they were dismissed with threatenings.* It was probably on this occasion that Scot, in addressing the Bishop, styled him "My Lord," which led Mr John Row of Carnock, who was strongly opposed to giving the Bishops their titles of honour, to undertake a journey to Cupar to tender a reproof to his friend for this supposed species of compliance. This was a point upon which the Reformers differed in opinion. Row's argument was, that what was wrong in the Bishop to receive, must be wrong in another to give him. Scot considered that this title might be given to the Bishops on account of the civil honours conferred upon them by the King. † But Scot was not surpassed by Row in his opposition to prelacy, and in his readiness to suffer rather than submit to the innovations then introduced into the Church.

Shortly after this, at a conference held at St Andrews between the Bishops and the Ministers, whom the Archbishop of St Andrews called together professedly to advise about the best course for promoting the peace of the Church, Scot exhibited much firmness. After the Bishops and one of the ministers, Mr John Carmichael, had given their advice, Scot's opinion being asked, he prayed to be excused, as he had not that dexterity in giving expression to his sentiments possessed by some others, which appeared from the words he had uttered at Perth having been wrested to a sense which he never intended, and, in that sense, reported to the King; but, when farther pressed, he made this noble reply: "I have continued in my ministrie manie yeers, spending moe goods nor ever I gained thereby; and now, the infirmities of my bodie and mind doth so increase that I doe verilie think the time to be neer of my relaxation; and if his Majestie be pleased sooner to discharge me, I am readie to

* Row's History, p. 324; Calderwood's History, vol. vii. p. 392.
† Row's History, p. 474.

undergo his will in that case, before I embrace these things that are urged." *

Scot had hitherto performed the whole ministerial duties of the parish of Cupar alone; but, about this time, in consequence of his growing bodily infirmities and the greatness of his charge, endeavours were made to procure for him some assistance. We meet with a minute of the Synod of Fife, held at St Andrews the 5th of October 1619, on this subject: "Anent the suit proponed be the brethren of the exercise of Couper in behalf of Mr David Dalgleish, that he may be licentiat to help Mr William Scot in the burdein of the ministrie their, and preach as he did befoir, *per vices*, it was thoucht altogether unlawful and contrair to an act of the General Assemblie, and theirfoir refused." † The Church of Cupar was, however, made collegiate about the year 1625, and Mr David Dalgleish was appointed second minister. ‡

Scot continued many years after this very useful to the Church, although *little is known regarding him in the following* period of his life. But it was during this time that he occupied himself in writing his "Apologetical Narration," now printed for the first time, § as appears from the manner in which he occasionally refers to events of that period.

* Calderwood's History, vol. vii. p. 400.

† Selections from the Minutes of the Synod of Fife, p. 90.

‡ Dalgleish was admitted to the first charge immediately upon the death of Scot, and died in 1651. Selections from the Minutes of the Synod of Fife, p. 220.

§ The MSS. which have been made use of in printing this work have already been mentioned in the Preface. Here we may introduce the account which Wodrow gives of the MS. of it in his possession, and the estimate which he formed of the work itself. "There are two MSS." he observes, "said to be his yet preserved; of which I shall give the reader some account. The first is his Apologetical Narration. This Mr Petry sometimes cites in his printed History, and I have a copy of it which I collated with another copy in the late worthy and learned Mr James Anderson's hands. This copy had been once in the late David Simson's, who, in Queen Anne's time, had a pension as Queen's Historiographer, and he wrote a few observes on the margin. In one of them he asserts that copy to be the original copy wrote by the author's own hand. What his authority was for this I do not know. It was exceeding fairly written, and looked like a copy designed for the press, with the marks for all that was to be printed in italics and other letters. This MS., after Mr Petry, I call Mr Scot's Apologetical Narration; for it hath no title in my copy, or the other, and yet I find

The Apologetical Narration has always been regarded as an authority by Presbyterian writers from the time it was written to the present day. Calderwood largely availed himself of its materials. Wodrow, indeed, expresses himself unable to say whether Calderwood had ever seen it; but that he had seen and perused it we have every reason to believe. In revising the proofs we have compared the greater part of it with his History; from which it is evident that he had not only read it, but made a very free use of it in the composition of his own invaluable work. Nor is Scot any mean authority. To his statement of facts great weight is to be attached; for he was not only contemporary with many of the transactions which he records, but was actively engaged in them, and had, therefore, the best means of information.

It is not known with certainty that Scot wrote any work except the Apologetical Narration. There is, however, reason to think that he was the author of a small work entitled "The Course of Conformity," which was published in 1622, 4to, and which has usually been ascribed to Calderwood. * It may be added that two Sonnets written by him at an early period, are printed in James Melville's Spiritual Propine. †

The change which took place in ecclesiastical affairs in 1637

it agrees with Mr Petry's citations under that title. It contains about fifty sheets. It's neatly and very handsomely written in a plain style, and contains a good many original papers of these times." Wodrow adds, "Whether Mr Calderwood had the perusal of it I cannot say. He does not mention it amongst the rest of the materials from which he collected his large history. They were certainly contemporaneous, and Mr Calderwood outlived him. The substance of the Narration and most of the public papers are in Calderwood, but not all. It certainly deserves to be published, and is one of the clearest and most judicious accounts of this Church from the Reformation, but especially from the introduction of Prelacy to the end of King James the Sixth's reign and downward to the year 1633 that we have now remaining."

The other MS., besides the Apologetical Narration here referred to, is "A Letter touching repairing to Diocesan Assemblies and Presbyteries." Wodrow having met with a copy of this letter, bearing the inscription, "Mr W. Scot of Couper," supposed it was written by him; but having found it in substance engrossed in Calderwood's History without the form of a letter, he came to the conclusion that it was a letter from Calderwood to Scot on that subject. Wodrow's Life of Scot, and Wodrow MSS. Adv. Lib. Edin. vol. xxix. 4to, no. 5.

* See foot-note to Preface, p. vi.

† This work was published at Edinburgh, in the year 1598; See M'Crie's Life of Melville, vol. ii. p. 455-6.

and 1638, when the fabric of Prelacy which had been reared at so much expense of principle, and violation of law and justice, was overthrown, must have been contemplated by him with peculiar satisfaction; and his wisdom and large experience would be highly serviceable to those who were the active agents in the movements of the second reformation. "It was a good providence to this Church," says Wodrow, "that we had some few old ministers, though they were very few, that had seen and borne a part in the glory of the first and purest state of the Church, and had come through a very long and black cloud of corruption for forty years, from the [year] 1597 to 1637, and had watched and kept their garments clean. They were of great use at the building of our waste places again in the [year] 1638, especially persons of such gravity, prudence and wisdom as Mr Scot." *

As to the history of Scot within the more limited sphere of the respective parishes where his lot was cast, we are without the means of acquiring much information. Had the Kirk-Session Records of Cupar during his incumbency been preserved, they would doubtless have furnished many interesting particulars connected with his ministerial labours, as well as illustrative of the manners of the age.

At length Scot died on the 20th May 1642, † in the 84th year of his age, ‡ and was interred at the west side of the burial ground of Cupar, where a handsome monument, said to be executed in Holland, was erected to his memory, with an inscription, which, from the action of the weather, and the little care taken for its preservation, is now quite illegible; but, fortunately, it was copied and published by an industrious collector of Funeral Inscriptions in the year 1713. The old church of Cupar, which was erected

* Wodrow's Life of Scot, MS.

† "Mr Livingstone," says Wodrow in his Life of Scot, "tells us that Mr Scot lived to the year 1642 or 1646, I am not sure which it is in the original copy." But, from the records of the Synod of Fife, it appears that the date of his death was 1642. Selections from the Minutes of the Synod of Fife, p. 219.

‡ The writer of the Stat. Account in 1796, says, that Scot died in the 85th year of his age, (vol. xvii. p. 141.)

in the year 1415, in the present locality, was an elegant structure, 133 feet by 54, with two rows of arches. In the same year, the spire of the church was built, by the Prior of St Andrews, up to the battlement; and, two centuries later, it was completed by William Scot at his own expense. To exemplify the barbarous taste of later times, the church was pulled down in 1785; and replaced by what was fondly imagined to be "the most convenient and elegant structure of the kind" in Fife. The steeple and spire, however, were preserved, and form a conspicuous feature of the town. The following is the inscription:

## MR WILLIAM SCOT'S MONUMENT.

SCOTIS RESUSCITATIS, ANGLIS EXCITATIS, RENOVATO FŒDERE, REPARATA RELIGIONE, PROSTRATA HIERARCHIA, RESTITUTO PRESBYTERIO, SUCCENTURIANTIBUS ILLUSTRISSIMIS E PRIMA NOBILITATE ET MINISTERIO BENE MERITIS IN ECCLESIAM, NUNQUAM SATIS MEMORANDIS, CONFIRMANTE CÆSARE BRITANNICO, ADSTIPULANTIBUS REGNI ORDINIBUS, OBIIT PLACIDISSIME IN DOMINO UNUS, QUI NOBIS CUNCTANDO RESTITUIT REM, GULIELMUS SCOTUS, ECCLESIÆ CUPRENSIS PASTOR, EX ILLUSTRI ET ANTIQUISSIMA FAMILIA SCOTO-BALVIRIANA 84º ANNO ÆRÆ CHRISTI, M.DC.XLII. A. Dl. CAL. JUNII 13.

[THE SAME "ENGLISHED," BY R. MONTEITH, M.A.*]

"The Scots being again raised up, the Englishes animated, the Covenant being renewed, Religion restored, the Hierarchy thrown down, Presbytery again set on foot, the most illustrious of the chief Nobility and of the Ministry, favourers of the Church never enough to be remembered, all appearing, the King confirming, and the Estates of Parliament concurring, died most pleasantly in the Lord, one who by mature counsel restored to us our business, MR WILLIAM SCOT, Minister of the Church at Cupar, and

* "An Theater of Mortality, or, a Further Collection of Funeral Inscriptions over Scotland; Gathered, &c., by Robert Monteith," p. 201, Edinburgh, 1713, 8vo.

the 84th person* lineally descended from the illustrious and ancient family of Scott of Balweirie. He died, 20. May 1642."

From this sketch it is evident that wisdom, prudence, moderation and fidelity were all combined in the character of Scot. The part which he took in the great controversy of his day between the Court and the Presbyterians we are at no loss to determine; for, in his Apologetical Narration, he comments with great freedom upon the affairs which he relates. A man of his standing had powerful temptations to resist; for had he become a supporter of the measures of the Court, he would doubtless have risen to high preferment. But, having adopted from conviction the cause of Presbytery, he entered cordially into the conflict against these measures; and, possessing too high principle to yield his convictions to the current of existing circumstances, he persevered in it faithfully to the close of life. Mingling with the leading men of the strict Presbyterian party in his day, he proved an able coadjutor, and possessed a high place in their estimation. James Melville, with whom he lived in terms of intimate friendship, uniformly speaks of him with the highest respect, reckoning him among the number of " the maist grave, godlie, and discreit breithring of the Synod of Fife." † Andrew Melville appears also to have highly esteemed him. In a letter to James Melville in 1611, he says, " Menalcas‡ of Cupar, on the Eden, is, I hear, constant; and I hope he will prove vigilant in discharging all the duties of a pastor, and not mutable in his friendships, as too many discover themselves to be in these cloudy days. Salute him in my name." And in another letter to Mr Robert Durie, dated Sedan, 24th May 1616, he says, " Faine wold I heare good things from Mr William Scott, Mr John Carmichell, and Mr John Dykes,

* Monteith had evidently mistaken the year of Scot's age for the degree of his descent from the Scots of Balwearie. Sir Robert Sibbald, in the year 1710, supposes this family to have flourished for 500 years; but the 84th in lineal descent would, even at a moderate computation, carry their pedigree to a few centuries anterior to the Christian æra; certainly before the arrival of the Romans in Britain.

† Melville's Diary, p. 386.

‡ A classic name which, in conformity with a jocular style of address not unusual with him, he applied to Scot.

whom I hope the Lord hath not left destitute of his good Spirit, but that they shine as burning lamps in the mids of that confused darkness." * John Livingston, who was personally acquainted with him, thus speaks of him: "Mr William Scot, minister at Coupar in Fife, [was] a wise, learned, prudent man, who understood the laws and customs of nations above many others. He was one of those who were called up to London before the pretended Assembly of Glasgow, that brought in Episcopacy, and by his prudence he so helped the rest, as the enemies got no advantage, and yet they were all sent home again, except Mr Andrew Melvill, who was committed to the Tower. It is said that the Earle of Salisburie, wondering at his wisdom, offered him a great pension and place, if he could have stayed in England, being sometimes in his house. I have wondered to see how he would give counsell in very intricate cases." † To conclude these remarks on his character in the words of Wodrow, "Among our ministers who succeeded the Reformers of this Church, there were not many superior to Mr William Scot, in piety, gravity, learning, solidity in judgment, singular wisdom in difficult cases, stedfastness to the principles and purity of this Church. Even such who brought in corruptions and prelacy professed a very great regard for him, and he and Mr John Carmichaell seem to have borne the most conspicuous share in the struggle maintained with the prelates from the [year] 1610 downward to 1630. They had the pleasure, indeed, when our Melvilles, Bruces, Boyds, Scrimgeors, and Simsons, and many other worthies of the elder sort were banished, confined, or removed by death, to observe a new set of very eminent men coming up to appear for the purity of the Church, of Mr David Calderwood, Mr David Dickson, Mr Alexander Henderson, with many more, who made a very great figure upon the happy turn, 1637."

* M'Crie's Life of Melville, vol. ii. pp. 426, 532.

† Characteristics, in Select Biographies, printed for the Wodrow Society, vol. i. p. 311.

# NOTICE OF THE LIFE

OF

# MR JOHN FORBES.

JOHN FORBES, the author of the second work in this volume, entitled "CERTAINE RECORDS," &c., was descended from Forbes of Corse, in the parish of Coull, Aberdeenshire. The founder of this house, from whom he was the fourth in lineal descent, was Patrick Forbes, the third son of James, second Lord Forbes, and armour-bearer to King James III., to whom that monarch, as a reward for his faithful services, granted by charter, dated at Edinburgh, 17th Dec. 1476, "Omnes et singulas terras Baroniæ de O'Neil, videlicet terras de Coule, Kincraigie, et Corse," &c. Patrick Forbes, first of Corse, was succeeded by his son David, who has been described as a "gallant and brave man." David was succeeded by his son Patrick; who again was succeeded by his son William, who early embraced the doctrines of the Reformation, and is described by Dr Garden, the biographer of Dr John Forbes, as "a man of sagacity and spirit"—"*vir sagax et magnanimus.*" He married Elizabeth, daughter of Alexander Strachan of Thornton, in Kincardineshire, the head or chief of the ancient family of Strachan, and died in July 1598.

Of this union there were seven sons and five daughters. 1. Patrick, the eldest, and heir of his father, was born in 1564, and became in 1618 Bishop of Aberdeen, an office which he filled for seventeen years. He was distinguished for his learn-

ing, piety and worth, and died 28th March 1635, aged 71. He married Lucretia, daughter of David Spence of Wolmerston, in the county of Fife, by whom he had two sons, William, who succeeded his father, but who died without issue, and John, the celebrated professor of Divinity and Ecclesiastical History in King's College, Aberdeen, who succeeded his brother; but his male line becoming extinct, the representation of the family devolved on the house of Craigievar, which will be immediately noticed. 2. William, the second son, was educated at Edinburgh, and by his success in commercial enterprise amassed a large fortune, with which he purchased considerable estates, as appears from no less than five charters executed in his favour under the Great Seal, of different lands and baronies, some in Aberdeenshire, some in the county of Fife, and some in Forfarshire. He founded the family of Forbes of Craigievar, so called from the lands of Craigievar, in Aberdeenshire, which formed part of his property. 3. John, the author, of whom we are about to speak somewhat more particularly, was the third son. 4. Arthur, the fourth son, who followed the military profession, was for some time abroad, where he distinguished himself in the Swedish service, and on his return settled in Ireland, and was created Baronet in 1628. His son was elevated to the rank of the Irish peerage, under the title of the Earl of Granard, by Charles II. in 1675; from whom the peerage has passed by uninterrupted succession, from father to son to the present time. Of the other children little is now known. Captain Alexander, the fifth son, and James, of Knockandrach, the sixth son, both died without issue. The eldest daughter, Margaret, was married to the Laird of Thainstone; the second, Agnes, to the Prior of Monymusk; the third, to John Farquharson of Norham; the fourth, Elizabeth, to Duncan Forbes of Campbell; the fifth, to Alexander Ogilvie of Mildarie. *

* Douglas's Baronage, p. 75; Lodge's Genealogy of the Existing British Peerage, p. 165; Lumsden's Genealogy of the Family of Forbes, with continuations, p. 21; Collections for a History of Shires of Aberdeen and Banff, printed for the Spalding Club, p. 607; Biographical Memoirs of Bishop Patrick Forbes, prefixed to Funeral Sermons on his Death, printed for the Spottiswood Society, pp. xxv., xxvi.

The information which we now possess respecting JOHN FORBES, relates, in a great measure, to his prominent share in some of the most important ecclesiastical transactions of his day, which at that time excited much interest, and involved the great principles contested between King James and the Presbytèrian ministers. He was born about the year 1570, and was probably educated at King's College, Aberdeen. Having studied for the ministry, and received licence as a preacher of the Gospel, he was first settled at Alford, a parish in Aberdeenshire, and the seat of a Presbytery. Into that remote part of the country the light of the Reformation had but very partially penetrated, and the people were generally sunk in the ignorance, superstition, idolatry, and moral degradation of Popery. It was thinly planted with Presbyterian ministers, and they met with much opposition and discouragement, particularly from the Earl of Huntly, whose whole influence was thrown on the side of the Popish interest. The situation in which Forbes was placed was, therefore, difficult; requiring much fortitude, prudence and fidelity, and he gave full proof that in none of these qualities was he deficient.

The high estimation in which he was held by his brethren in the North is evident from their appointing him, in 1605, to appear in their name, first before the Privy Council, and then before the Court of England, to justify their proceedings in reference to the Earl of Huntly. At this time the Earl received much countenance, both from the King and his courtiers, which encouraged him not only to continue in the profession of Popery, but also to employ his powerful influence for its support in the North of Scotland; and from this it was manifest that the King, now when peaceably put in possession of the three kingdoms, was influenced in favouring the Earl from other considerations than the pretended one he had urged previously to his succession to the throne of England,—the necessity of conciliating the Papists of that country. Huntly thus presuming upon impunity through royal favour, did not scruple openly to treat with abuse the Presbyterian ministers when they made him the subject of

discipline; and when the Synod of Aberdeen were taking steps to excommunicate him, he raised a process against them before the Council. This took place in February 1605. In these circumstances Forbes and Charles Ferme or Fairholme appeared before the Council to defend the proceedings of the Ecclesiastical Court in this matter. Stratoun, Laird of Laureston, the King's Commissioner, who seems to have been more partial to the adherents of Popery than to the stricter Presbyterians, whom he was accustomed to call, by way of contempt, "the Puritans," sent a letter to the Council, ordering them to give out letters of horning, warding and banishment against the ministers of the North, who had been most zealous and active in their opposition to Popery, and in proceeding against Huntly, provided they would not desist from the course of ecclesiastical discipline which they had instituted against him. The consequence was, that the Council prohibited the Synod of Aberdeen, both by personal charges and by public proclamation at the Market Cross of that city, from proceeding against the Earl, under pain of rebellion. This was done under the pretext of the new offers which he promised to give in for their satisfaction. But Huntly, who had no sincere intention of submitting to the Church, failed in performing what he had promised, and derided the ministers when they required him to subscribe the Confession of Faith, declaring he would not subscribe it himself, and bidding his "man" subscribe it for him. This led to the appointment of Forbes by the Synods of Aberdeen and Murray, with the advice of the Council, to repair to the Court in England, to furnish the King himself with a particular and correct account of the ecclesiastical proceedings in reference to the Earl, and to represent to him the lamentable condition of the North in consequence of the growth of Popery, and particularly to lay before him as one of their grievances, the encouragement and support given to the Popish superstition by that nobleman. *

* Wodrow's Life of Forbes, MS.; Melville's Diary, p. 570; Calderwood's History, vol. vi. p. 274; Row's History, p. 227; Forbes's Records, p. 381.

The letter of the Synods of Aberdeen and Murray to the King, informing him of the appointment of Forbes on this mission, is as followes:— *

" IT MAY PLEASE YOUR SACRED MAJESTIE,

" The gret necessitie of our effaires in generall, and off the particular dealing we have this lang time haid with the Marquess of Huntlie, does enforce us, in all reverence and humbill submission, to acquaint zour Majestie with all our proceidingis, and present difficulteis quhairwith we ar straitit, and that be ane of our awin number, our loving brother Mr Jhone Forbes, off quhome baith for his fidelitie and uprightness, and for his sincere affectioun borne to the advancement of the kingdome of God, zour Majestie's service and peace of the land, we haiff maid speciall choise, and have authorisit him with our commission toward zour Hienes; beseiking zour Majestie, in all humbill and hartie affectioun, to grant him zour Majestie's gratefull acceptance, and favourabill countenance with ane indifferent eare, in his delyverie of suche thingis to zour Majestie as we have committed to his credit, trusting so far to the constant assurance, quilk our hartis does still brook, of zour Majesty's unchangeable stedfastness and continuance in zour Hienes godlie zeall and fordwart affectioun ever hitherto borne, and at all tymes clearlie manifestit, to the maintenance and promoving of the licht and libertie of the Gospell of Jesus Christ, not onlie in the mater off doctrine but also in the odour of government and discipline therein manifested, that gif zour Majestie graunt him audience but prejudice, he sall give zour Majestie ane full contentment of all proceedingis, and sall obten at zour Majestie's handis ane gratious answer to all our humbill and lawfull desyrs, all tending to the glorie of God, advancement of zour Hienes honour, and forder quyeting of zour Majestie's subjectis. The report quhairof, committing to the sufficiencie of our Comissionar forsaid, in all reverence, submission, and humilitie of our hartis, we tack our

* Wodrow MSS. vol. lxix, folio, no. 24.

leave, beseeking God to graunt to zour Majestie long and prosperous reigne.

"From our Assemblie at Aberdein, the twentie ane day of Februar, ane thousand sex hundreth and fyve zeiris.

"Your Majestie's humbill subjectis,

A. BLAKBURNE. P. BLAKBURNE.
CHAIRLIS FERME. DAVID RAITT, *Moderator.*
AD. BURNETT. MR JAMES ROSS.
MR ROBERT REID, *Scryb to the Provinciall Assemblie of Aberdeen.*
MUNGO GUTHRIE, *Moderator of the Provinciall Assemblie of Murray.*
GEORGE DOVGLAS, *ane of the Commissioners of Murray.*
DUNDAS, *Comissionar for Murray.*"

Forbes went to Court in March in execution of this commission. The Earl of Huntly hearing of his journey, immediately proceeded to Court with all haste, to pre-occupy the mind of the King, and arrived there before Forbes. But Forbes being admitted into the King's presence, and having laid before him the grievances of the Church in the North, was favourably heard, and sent back with diligence, carrying a letter to the Council, strictly requiring them not to resist the authority and jurisdiction of the Church,* and another to the Church, containing assurances of the King's constancy in the religion in which he had been educated, and his purpose to preserve unaltered the order of Church government established by law in Scotland, and the Acts of Parliament with respect to General Assemblies. †

* It would, however, seem, that this letter was without effect; for, in a letter to the King, dated 20th February 1606, by the Synod of Aberdeen, in which the Synod "lamentabillie offeris to your Majestie the grieffis of the Kirk and all good men in our boundis;" the following is one of their grievances: "Thirdly, that quhen the ministrie of the Synodis of Abirdeen and Murray laboris be the censures of the Kirk to reduce my Lord Marques of Huntlie, and Earll of Erroll, to the acknowleging of the treuth, and leaving of Papistrie, they are continually discharget be your Majestie's letteris of horning."

† Melville's Diary, p. 570; Row's History, p. 227; Forbes's Records, p. 382.

At his return to Edinburgh from London the time of the meeting of the General Assembly, which had been prorogued to July 1605, was approaching;* Forbes had some conversation on that subject with the Chancellor, who expressed himself not unfriendly to the keeping of the Assembly, provided it should only meet, and, without the transaction of any business, be dissolved; while Forbes engaged to use his influence with his brethren that nothing more should be done. † The Chancellor, who was at heart no friend to the Bishops, was disposed, we have every reason to believe, from his opposition to them, to encourage the ministers to meet together, although afterwards, upon perceiving the King's hostility to that meeting, and his determination to punish those who had kept it, he became active in their prosecution from mere personal interest. And from this interview with the Chancellor, together " with the seemingly kind entertainment Mr Forbes had from the King while at London, to keep by the Acts of Parliament, by which the annual meetings of Assemblies were legally secured, and to hold by the constitution of the General Assemblies, Mr Forbes was

* In the Assembly held at Holyroodhouse in November 1602, his Majesty being present, the next Assembly was appointed to meet at Aberdeen on the last Tuesday of July 1604; but this meeting having been prorogued, in the name of the King, by Laureston and the Commissioners of the General Assembly, to the 2d of July 1605, it was not kept; the only Commissioners who came to observe it being three from the Presbytery of St Andrews. The Church awakening to a conviction of her pusillanimity and unfaithfulness in deserting that diet, many gentlemen and Commissioners from Synods in the South and West, convened at St Andrews, where the Synod of Fife were meeting, in September 1604, to take measures for holding the General Assembly in July 1605. The same subject was brought under the notice of this Synod at its next meeting at Burntisland, April 30. 1605, in a letter addressed to the Synod by James Melville. By the way, it may be observed, that Calderwood in his History appears to have fallen into a mistake, when, in giving an account of this meeting of the Synod of Fife, he says, " The King's Commissioner was present, and promised to deal earnestly with the King for licence to keep the next ensuing Assembly," vol. vi. p. 278. Forbes in his " Records" certainly makes a statement the very reverse of this, pp. 380, 381. And Forbes's statement is corroborated by a letter which Laureston wrote to the King a few days after the meeting of the Synod. See Appendix, No. I.

† The Chancellor was afterwards subjected to some trouble on account of what passed between him and Forbes on this occasion. He stoutly denied that he had ever given Forbes the slightest encouragement to hold the obnoxious Assembly. See a letter of his to the King on this subject in Appendix, No. II.; with which compare the full and particular account which Forbes gives of the whole affair in the 12th Chapter of his " Records."

led to think that the time to which the last Assembly was adjourned might be kept without any great offence to the King and courtiers. Meanwhile it was singularly necessary for the preservation of the liberty of General Assemblies; and what was Mr Forbes's opinion could not but have a considerable weight with others, considering he was just come from Court, and behoved to have the best views of the seasonableness of such a meeting." *

The Assembly, accordingly, was held by nineteen ministers, who came to Aberdeen as commissioners, on the 2d of July. Its proceedings may be briefly stated. After sermon by Mr James Ross, one of the ministers of the city, Sir Alexander Stratoun of Laureston, the King's Commissioner, having informed the Ministers assembled that he had a letter from the Privy Council, requesting them, in a friendly manner, not to meet at that time; it was agreed, as the Council's letter was addressed "To the Brethrein of the Ministry convened in their Assembly at Aberdeen," before reading it, to constitute the Court and choose a Moderator. The meeting having been constituted by prayer, Forbes was unanimously chosen Moderator, and the Council's letter referred to having been read, discharging the Assembly, and forbidding them to appoint another diet without previously acquainting his Majesty, the only resolution come to was to transact no business, and to prorogue the Assembly, with the advice of the Commissioner, to a new day; and having requested Laureston to name a day and place for their next meeting, and he refusing to do so, the Moderator appointed the last Tuesday of September following. Upon which the Commissioner protested, that he never acknowledged the lawfulness of that Assembly, as the Moderator of the last Assembly and the Clerk were absent; while the Moderator, in the name of his brethren, made a counter protestation. Then a messenger-at-arms, by order of the Commissioner, delivered to the Moderator a subscribed charge of his Majesty, commanding the Assembly to dissolve, under pain of horning. The charge having been read and considered, the Mode-

* Wodrow's Life of Forbes, MS.

rator, with consent of the rest, after prayer, dissolved the Assembly. This is a summary view of the whole proceedings. The Assembly simply met; chose a Moderator; resolved to transact no business; appointed a future meeting, and when charged by the King to dissolve the meeting, dissolved it.* After the dissolution, other nine commissioners, having been misled by the letters of Laureston, and the Commissioners of the Church, in which the day of meeting was on purpose differently dated, made their appearance, eight on the 4th of July, and one on the 5th; and they united in expressing their approbation of what their brethren had done.

The tyrannical measures of the Court which followed are fully stated in his "Records," and need here be only glanced at. The ministers being summoned by order of his Majesty before the Privy Council, fourteen of them,† having defended the legality of their conduct, were condemned to be incarcerated in different parts of the country, some in the castle of Blackness, and others in the prisons of Dumbarton, Stirling and Doune. Forbes and John Welsh, being the most distinguished, and regarded as ringleaders, were treated with greater severity than the rest, being

* The Council indeed published "A Declaration," &c., on the subject, giving a very different account; but which Forbes has completely proved to be full of misrepresentation. A counter statement was published by the Ministers, entitled, "A Faithful Report of the Proceedings anent the Assembly of Ministers at Aberdeen, upon Tuesday, 2d July 1605." Both these documents are in Calderwood's History, vol. vi. pp. 419 and 437. Spottiswood's narrative of this Assembly is just an abstract of the Council's Declaration. Wodrow, in his Life of Forbes, has some remarks on the inaccuracy of Spottiswood's account, for which see Appendix, No. III.

† Among this number were two of Forbes's co-presbyters, who, along with him, had been chosen by the Presbytery of Alford Commissioners to Aberdeen Assembly, namely, Mr James Irvine, minister of Tough, and Mr Robert Youngson, minister at Clatt. These two, though not tried like Forbes for treason, were at last banished. Among other evils of the long imprisonment and ultimate banishment of these ministers of the North, was the disastrous influence which it had upon the moral and religious condition of that part of the country, where, at that time, Presbyterian ministers were thinly planted, and where the labours of such zealous men could ill be spared. Accordingly, in the letter to the King, dated 20th Feb. 1606, by the Synod of Aberdeen formerly quoted, one of their grievances is, "that ane great number of kirkis, planted in this countrey, are leaft altogether desolate, be the lang continuing in ward of thair pastoris, seeing the maist pairt of utheris kirks are unplantit." Wodrow MSS. vol. lxiv. no. 39, p. 64.

imprisoned in separate cells in the Castle of Blackness, and secluded from all intercourse with their friends. These fourteen ministers having declined the authority of the Privy Council, as incompetent judges in their cause, because purely ecclesiastical, and, therefore, what should have been tried only by the Church Courts, six * of them were served with an indictment, to stand trial for high treason before the Court of Justiciary, at Linlithgow, in January 1606. The charge brought against them in their indictment was, that they had *treasonably declined* the authority of the Privy Council; the charge of treason being founded on a law enacted in 1584, during the infamous administration of Arran, which declared it treason for any to decline the King and his Council as competent judges in all matters whatsoever; a law, however, which, in so far as it applied to ecclesiastical matters, was set aside by a subsequent statute in 1592.

The Ministers appeared before the Court at the day appointed; and had justice and eloquence prevailed, they would doubtless have been acquitted. Their counsel made an able and unanswerable defence. The speeches of Forbes and Welsh were bold and eloquent, exhibiting the most resolute firmness of purpose in adhering to the cause of truth, and yet the utmost respect and loyalty to their Sovereign; and they made a powerful impression on the jury and all who were present. Forbes especially distinguished himself on that occasion. We shall quote his opening address to the Assize or Jury, as reported in one of the Manuscripts † of his "Records":—

"The reasoning being endit, and the assise to be inclosed, the pannel ‡ desired yet to be heard; in whose name Mr John Forbes did speak to the Assise:. First, Earnestly willing them to take heed to themselves quhat they did in that matter, and

* These were, besides Forbes, John Welsh, minister at Ayr; Robert Durie, minister at Anstruther; Andrew Duncan, minister at Crail; Alexander Strachan, minister at Creich; and John Sharp, minister at Kilmany.

† This, the opening speech of Forbes before the jury, is taken from Swinton's MS. See it as given in Gibson's MS. p. 480.

‡ That is, the six Ministers before the bar.

gravely to consider the cause quhairof they were accused, lest, by ignorance or unadvisedness, they sould bring innocent blood upon themselves. And for removing all scruple that yet remained in their minds, anent their alledged contempt of his Majestie's command and disobedience to his chairge, in respect either of the pretendit chairge execute by Lawrestoun, or the Counsell's missive letter, or letter direct from the Commissioners, [he] first, protested in the sight of God, who knows the secrets of all hearts, that, as they should answer to him in that great day, they never heard nor understood of any sic chairge given publickly as was alleaged, neither that any notice or information thereof ever came to their eares, directlie or indirectlie, be Lawrestoun himselff, allbeit still present with them, in and at their Convention, or be the officer, or witness, or any uther living creatour, and that, in their conscience, they were perswadit, (and beleived that so also were the Lords of his Majesty's Counsell,) that it was a manifest forgerie and falset; neither would Lawrestoun, his officer nor witnes, stand to it, if they were earnestlie and exactlie examined. Besydes, that they had oftymes, by their letters of supplication to the Counsell, desyred to be heard, to reduce and improve the same, bot all their bills and suits were continuallie rejected be the Lords, and they never admitted to plead for themselffes; in the quhilk action they durst be bold upon no less hazard then their lyffes, to tak upon them the verification of the falsehood therof. And for testification of their reverend regaird of obedience to his Majesty, declaired their readie and willing obedience, geven the 2d of Julij, in their Assemblie, these same letters being personallie execut against them; quhairof they had famous testimonie under the subscription of their nottars.

"Concerning the Counsell's missive, he declaired, first, That the very direction of it upon the back, if there had bein no uther necessitie, did sufficientlie witnes both the necessitie and lawfullnes of their Assemblie; for seeing it was direct 'To the Brethreine of the Ministrie, conveined in their Assemblie at Aberdein,' it could neither be resaived, read nor answered, except they had bein as-

semblcd. Secondlie, touching the answering of it, That it was obeyed in the first pairt, anent their present dissolving and continuing of all the effaires of their Assemblie, to Lawrestoun his contentment: as for the secound, 'that they sould appoynt no new day,' it was repugnant to the lawes both civill and ecclesiasticall. Besyde it was a thing quhilk of conscience they could not obey, in respect thereby the Kirk sould have beine depryved of her libertie, the Generall Assemblie sould have deserted, and all ordinar occasion, according to the law and custome observed, and prescryved ordour of meitting, taken from the Kirk by their deid; for the quhilk they could not have been answerable to their Synods and Presbitries who sent them. And farder declared, that befor the designation of the day maid be them, it was first offered to Lawrestoun to appoynt the nixt dyet, long or short as he pleased, and was refuissed be him. Lastlie, concerning that letter, it being a privat missive and desyre of the Counsell, That it neither ought nor could import rebellion to his Majesty, and contempt of his Hienes command, allbeit it had been whollie disobeyed.

"The letter sent from the Commissioners of the Generall Assemblie, he declared that it could be no ground to infer disobedience to his Majesty, in respect both of the persons who sent it, and the form of it. For in the Generall Assemblie at Halyrudhouse, in his Majesty's presence and with his consent, all power of prorogation, drifting, delaying or altering the dyetts of the Generall Assemblie, was taken from the Commissioners; and therfor they wer no wayes haulden to acknowledge ther command in that poynt. Nixt, in the forme it was most unlawful and repugnant to all lawes and resaived ordour of the Kirk, seeing it requyred ane prorogation indefinite to no certaine tyme nor place. Morover, that albeit disobedience might be inferred thereon, zet could it not, neither ought it to be layed to ther chairge, bot ther Synods and Presbitries, to whom the letters were direct, seeing they went at ther command, whom they are holden to obey. Besyde all this, that some of them had not resaived the said missive till they wer come to Aberdein.

"And farder, to make it manifest that they could nowayes be accuissed for meitting without his Majesty's consent, [he] declared that they had ane warrand subscryved be Lawrestoun and Mr Patrick Galloway, appoynting that same day and that place for the Assemblie; and heirupon regrated the strange dealling used against them, who being taken in no iniquity, whose doeing could be damned be no law, who were found within the compas of their calling, exerceissing the ordinar poynts therof, agrieable to the Word of God, according to the lawes of the land, ordinance and ordinarie custome and practeisse of the Kirk since reformation of religione; yet not the les wer so troubled in bodie, thrust into prissone, drawen befor judgment-seatts, condemned as evill doers, revylled as seditious, heigh mynded, unrewlie spirits, troublers of the peace of Kirk and Commonwealth, and authors of all the evills quhilk are brought and lyke to be brought upon the House of God; and that not only be the Counsell, bot be their own brethrein, the Commissioners of the Generall Assemblie, who as they were the very instruments and procuirers of all that harme to the House of God, so wer they the cheiff and principall authors of their trouble, by their callumnies and lies, entyseing and still incensing his Majesty against them, by a false pretence of disobedience; intending to bring his Hienes by their pollicie to be ane promover of their iniquitie and wicked purpose of overthrowing the lawfull libertie, ordour and jurisdiction of the House of God, and bringing his Kirk again in bondage to that antichristian tyrranie of the Romishe Hierarchie; quhilk heirtofor, as contrair to the Word of God, hes bane by publict profession, subscription and oath, abjured be themselffes:—quhilk wickednes, becaus it appeared sumwhat to be impedit by their lawfull proceidings, therfor was it that the Commissioners did endeavour to bring them to condemne and dissallow their own doeings; ever collouring their malice with the schow of his Majesty's wrathe, steirred up be themselffes, and intending to cover their own wickednes with the cloak of their brethrein's sufferings, whom they mynd to cause bear, albeit innocent, the punishment of their iniquitie, that the

more secuirlie they may accomplishe their wicked intention against the Kirk.

" Heirefter, that the Assyse or Jurie might know how farr that matter committed to their tryell did concerne themselffes in conscience, he did remember them, upon that solemne Confession of Faith resaived, sworn and subscryved be every one of themselffes and the haill Lords; in the quhilk they had sworne, by the great name of the Lord their God, not only to continue in the doctrine and discipline of the Kirk, bot also to defend the same, according to their vocation and power, all the dayes of their lyfe, under no les paine then the danger both of bodie and soull, in the day of God's fearfull judgment; and therfor willed them to take heid to themselffes quhat they did in that matter, seeing they stood that day accuissed for exerceissing and maintenance of that discipline quhilk they were bound to defend,—for exerceissing of it in their Assemblie at Aberdeine, for maintenance of it in giving in ane Declinatour of the Counsell's judgment in a matter ecclesiastick, quhilk according to the said Discipline, Word of God and lawes of the land, ought only to be judged by the Kirk: lastlie, that they sould not be abuised by that false construction of their Declinatour given out by their adversaries, and thereby be induced to convict them. He oppened up to them the malicious glosse maid upon their Declinatour, as though thereby they had disclaimed themselffes from all subjection to his Majesty or his Counsell; and for clearing of their innocencie in that poynt, did declaire how at all tymes they had professed their willing subjection to his Majesty and his Secret Counsell in all things civill; so that by their Declinatour they had done nothing quhilk in any sort could derogate any thing to his Hienes Royall authoritie over them, or quhilk was contrair to the lawes of the kingdome or practeisse of the Kirk in his Majesty's presence; neither ever had they secluded his Majesty by their Declinatour from the judgment of their cause in the Generall Assemblie. And, for clearing heirof, he willed the assyse to read and considder their Supplication, given in to the Lords of Counsell befor their Declinatour; quhilk did

beare and expresse submission of them to the Counsell and other civill judicatours, in quhatsoever thing they sould be found to have transgressed against any civill law; and heirwith [he] did delyver the coppie therof to the clerk, to be read to them; and farder willed them to consider of the declaratione of their Declinatour, then instantlie maid be them befor the Justice and Lords, quhilk was insert in the Justice bookes; and so concludet with signification of their readiness to seall up the trueth and veritie of all that they had done and suffered for with their lyves, as the veritie and trueth of God, quhilk both they and the Lords and assyse or jurie were obleidged, by their forsaid Covenant, to maintaine; and therfor chairged them in the sight of God, so to judge of them that day as they would wishe the Lord to judge of themselffes in that great day quhen they sould be compelled to render an accompt to him of their forsaid oath and bond."

Forbes's second speech at the bar, in reply to the Lord Advocate, was equally characteristic. The application which in the peroration he made to the King of Saul's violation of the covenant and oath which Joshua entered into with the Gibeonites, and of the punishment of that violation in Saul's posterity long after his death, produced a thrilling impression. In the expressive language of James Melville, who was present, "the quhilk maist pithilie reassoneing, from less to moir, he applyit to the King; and thairon, directing the admonition and threatneing most terribill, maid all the heiraris astonischit, and their hairis to stand." *

But these defences, powerful and eloquent though they were, proved unavailing. It was the determination of the Court that they should be found guilty; and to effect this the most discreditable arts were employed. From an apprehension of the difficulty of their condemnation, the Earl of Dunbar, Lord High Commissioner, was sent down to Scotland to bring them to a trial by jury, and to secure their conviction. The Court, instead of being held in Edinburgh, where the citizens were friendly to the Ministers, was held

* Melville's Diary, p. 625.

at Linlithgow; twenty of the Privy Councellors were appointed assessors to the judge; the jury was packed with the kinsmen and friends of the Earl of Dunbar, and, in his address to the judges he attempted to bribe them by promises, and to overawe them by threatenings. After the jury had retired, the Crown officers, upon learning that it was their purpose to acquit the Ministers, held with them the most illegal intercourse, endeavouring by all means to influence them to return a verdict of guilty. It was by such disgraceful methods as these, that a majority of nine to six found the prisoners guilty of treason.

The doom to be pronounced was delayed for some time till his Majesty's pleasure should be known.* The King at length resolved to banish them out of all his dominions for life, and, having communicated this resolution to the Council,* sentence was formally pronounced upon them on the 23d of October, and on the 7th of November they embarked at Leith for France. The scene on that occasion was very affecting. Many of their friends were assembled to bid them farewell. Before embarking they fell upon their knees on the shore and prayed with much fervour, which greatly moved the spectators; and, after joyfully singing the 23d Psalm, took leave of their brethren and acquaintances, went into the ship, and landed safely in France. †

Such was the result of the proceedings against Forbes and his associates, which the great body of the intelligent people of Scotland at that time regarded as tyrannical and oppressive, and which produced in them a deeper aversion to Episcopacy and an increasing dislike to the Bishops, whom they believed to be the chief insti-

* The King at the same time wrote to the Council informing them of his purpose respecting the other eight ministers who had not been brought to trial, but who were lying in prison. By the letter to the Council, Mr Charles Ferme was ordained to be confined in the Isle of Bute; Mr John Monroe in Kintire; Mr Robert Youngson in the Isle of Arran; Mr James Irvine in Orkney; Mr William Forbes in Shetland; Mr James Grey in Caithness; Mr Nathaniel Inglis in Sutherland; and Mr John Ross in Lewis. Messengers were directed to charge the ministers to enter the places of their exile, and "not to exceed the same without licence under pain of death." Spottiswood's History, p. 499.

† Melville's Diary, p. 669; Row's History, p. 240.

gators of this as well as other severe measures adopted against the Presbyterians. *

Forbes spent the remainder of his days on the Continent, † where he was eminently useful and highly respected. He maintained a close correspondence with some of the most eminent divines in Holland and France, ‡ and travelled through most of the Protestant Churches. §

The first account of him, after his banishment, which we meet with, is in two letters written shortly after by Mr Welsh to Boyd of Trochrig. In a letter dated Rochelle, 7th March 1607, he thus speaks of Forbes: "Monsieur Forbes is gone to Sedan, upon what occasion I know not, ffor he did not wrytt to me, only Patrick Morrise hes advertisit me of this." ‖ In another letter to the same individual, dated 7th May 1607, he thus writes: "The Bishop of Glasgow is come to Ffrance: I suspect verele that it is for me and Mr Jhone Forbess, that we sall not be sufferit in this kingdom, for the King regards not much the rest. It wer guid that in your

* Spottiswood in a letter to the King, previous to the trial of the Ministers, plainly states that such was the effect produced by their imprisonment. And such feelings were undoubtedly increased after their condemnation. See Appendix, No. IV.

† Such also was the fate of his companions in exile, with only one exception. A few particulars concerning them may be here introduced. Welsh, after remaining for some time at Bourdeaux, became minister of Jonsack, in the province of Angoumois. He died in London in 1622, whither he had ventured to come, in the hope that King James might have granted him liberty to return to Scotland for the benefit of his health. Durie, like Forbes, settled in Holland, and, in 1609, became minister of a Scotish congregation at Leyden, where he continued to labour with fidelity and acceptance till his death, which took place in September 1616. Duncan was received into the college of Rochelle; but having made some acknowledgment to the King respecting the Aberdeen Assembly, he was allowed to return from banishment. He was afterwards prosecuted before the High Commission, and imprisoned for nonconformity to the Articles of Perth. He died in 1626. Strachan sickened and died at Middleburg soon after he landed on the Continent. Sharp was made Professor of Divinity in the University of Die. (M'Crie's Life of Melville, vol. ii. pp. 432, 435; Steven's History of the Scottish Church, Rotterdam, &c., p. 312; Row's History, Wod. Soc. edition, p. 323.)

‡ He was the intimate friend of Andrew Melville, and they kept up a close correspondence when abroad. Melville, "in the course of the year 1612, was gratified with a visit from Forbes, who spent several weeks at Sedan along with his brother Arthur, an officer in the Swedish service." (M'Crie's Life of Melville, vol. ii. p. 432.)

§ Wodrow's Life of Forbes, MS.

‖ Wodrow's Life of Boyd, printed for the Maitland Club, p. 280.

next letter, M. Plessei were informit to resist it sa far as he may, gyf such thing be." * Forbes afterwards became minister to the English merchants at Middleburg, and was the founder of the Presbyterian Church in that place. Some of his successors belonged to the English Nonconformists; but the congregation tenaciously preserved its Presbyterian aspect, and has often been served by a minister of the Church of Scotland.† Forbes, while he continued in this place, was much respected and very useful. "From incidental hints in the records of Consistory, there is pleasing evidence that he was greatly beloved by the people here for his Christian worth, and for his zealous pastoral fidelity." ‡

After Forbes had been some years in exile, proposals were made by the Court both to him and to his associates to make some acknowledgment to the King, with the view of having their sentence of banishment remitted; and there were not wanting many considerations to induce Forbes to comply with the terms offered, even though these should involve some compromise of principle. Both his own health and that of his family had suffered much abroad; he had many beloved relatives and friends in Scotland; and the native land of the exile is endeared to him by many tender associations. But he and all his fellow exiles § rejected the terms offered, as involving a dereliction of principle which could not be conscientiously and honourably made. In a letter which he wrote to James Melville ‖ on this occasion, he nobly expresses his determination not to abandon the principles of which he had been so fearless and powerful a champion in his native country. "We ought not rashly," says he, "to contemn the peace and liberty offered us in the name of the Prince. But if under the external mask of liberty they seek to draw us into a slavery worse

* Wodrow's Life of Boyd, printed for the Maitland Club, p. 305.

† Steven's History of the Scottish Church, Rotterdam, &c., p. 312.

‡ *Ibidem*, 317.

§ Andrew Duncan had been allowed to return to Scotland upon making some acknowledgment. The other ministers were not so compromising.

‖ James Melville much esteemed and respected Forbes. He describes him as "ane faithfull brother and godlie minister in the North." Melville's Diary, p. 570.

not only than imprisonment and exile, but than the loss of life itself, we are not to purchase the liberty of out bodies by inthralling our souls." * Still, however, he ardently longed, were it the will of providence, to return to Scotland. In the year 1616 he went to England, and after waiting six months, was admitted to kiss his Majesty's hand, and obtained a promise (which was never realized) that he and Durie would be relieved from banishment. † About two years after, he expresses his feelings on the subject of his return in a letter to Boyd of Trochrig, dated Middleburg, 10th May 1618. "Right reverend and heartily beloved Brother in the Lord.—My love and duty remembered. I am glad to hear of your good health, though it please the Lord to exercise us here with sickness. I thank God I myself now enjoy tollerable health; but my wife and diverse of my family are still troubled with sickness. Hitherto, since my dwelling in this town, my house has never been free from sickness. He that sends it knows we have need of it. By this you may consider if we would condescend to return home; if so be we did see the Lord preparing the way to us. But rather or we stirr a foot hence without him, we are ready to endure what more it shall be his pleasure to lay upon us. We should indeed have the more heart to come home if all things were at peace. For my own part, I neither desire to see, nor to be a partner any more of the troubles of our Church. If I could be an instrument of peace, I wish I might at the loss of my life procure it. But the Lord knoweth what is meetest. Here we are in good hope of quietness, within short time, for the better side prevails daily more and more." &c. ‡

In this letter he informs Boyd that he was about to set out for London, probably with the view of using means to obtain the King's permission to return to Scotland. He also expresses his desire to hear Boyd's particular opinion of his "Treatise tending to clear the Doctrine of Justification," printed at Middleburg in 1616,

* M'Crie's Life of Melville, vol. ii. pp. 434-436.
† *Ibidem*, vol. ii. p. 447.
‡ Wodrow's Life of Boyd, p. 139.

a copy of which he had sent to Boyd. "I beg to learn from you, something more concerning your judgment of that latter treatise I sent you; for I shall not be ashamed to be taught by you, and improved in quhatsoever mislyketh you, either in the order or matter thereof; for we both love and labour to learn daily." This treatise is dedicated "To his well beloved in the Lord, the faithfull of the English Church in Middleburg, whose love to the truth hath entertained his ministrie among them." After it had been printed on the Continent, Forbes sent a copy of it to King James, together with a letter, dated July 24. 1616, requesting his Majesty to grant permission to its being printed in England, and dedicated to him.* This favour does not, however, appear to have been granted; for an edition of it was not published in England till the year 1635.

The time when Forbes entered upon his charge at Middleburg has not been precisely ascertained; but it was probably in 1611; and he continued here till 1621, when he accompanied the Factory of the English merchants from Middleburg to Delft, and was the first stated Presbyterian pastor in that place. But his persecutors at home did not suffer him to live and die at Delft in peace. He was removed from his charge by the jealous interference of the English government. He however remained in Holland, and died about the year 1634. †

Forbes was the author of various works, of which Charteris gives the following list: "He wrote diverse treatises and sermons. *Item*, The Saint's Hope and Infallibleness thereof. 8vo, Middleburg 1608. *Item*, A Treatise tending to the clearing of Justification. 4to, Middleburg, 1616. *Item*, A Treatise how God's Spirit may be decerned from Man's own Spirit. Lond. 1617. *Item*, Four Sermons on 1 Tim. vi. 13, 14, 15, 16. 4to, 1635."

Forbes left behind him three sons, John, Arthur, and Patrick. ‡ Arthur, who devoted himself to the military profession, took the side of the Covenanters. He "was seised upon at sea, *anno* 1639,"

* See this letter in Maidment's Analecta Scotica, vol. ii. p. 353.

† M'Crie's Life of Melville, vol. ii. p. 448.

‡ MSS. account of Various Families in Scotland, Advocates Library, Edinburgh.

says James Gordon, parson of Rothiemay, "and casten for some tyme into prisone at Newgate, in Londone, by the King's warrant." After his liberation he was promoted by the Covenanters. "Monroe had ane horse troope mustered and putt under the command of" Arthur to go to Aberdeenshire. But according to Gordon, who sets every thing connected with the Covenanters in an odious and ridiculous light, he gained little merit by his exploits in the North. "Before summer [1640] was spent, having been ordered to waite upon Monroe in his expedition to Strabogye, without order, the Captain and his troope fell to robbe the country, or rather to steale away a number of Strabogye men's cowes and other bestiall; which was so displeasing to Monroe, (though the comittye of the shyre wold have taken it for good service,) that Forbesse was put out of credite by it, and his troope broken and reduced; he and they having been nothing else but a laughing stocke for sometyme in the country about." *

Forbes's son, Patrick, subscribed the Covenant in presence of the famous Assembly at Glasgow, 1638.† Mr Patrick Forbes, says a MS. account of the Glasgow Assembly, "was so much the more gladly received, because that his father before him had been ane sufferer for the truths of Christ Jesus. To whom the Moderator said thir words, 'Come forward, Mr Patrick; before, ye were the son of a most worthy father, but now, ye appear to be the most worthy son of ane most worthy father.'"‡ Patrick Forbes appears to have been for some time minister of Delft, although not immediate successor to his Father; and he afterwards became chaplain to the Earl of Teviot at Dunkirk. But he did not adhere to his Father's principles; for, returning home with the King at the Restoration, he conformed, and was consecrated Bishop of Caithness in the year 1662. He possessed this See

* Gordon's History of Scots affairs, published by the Spalding Club, vol. iii. pp. 196, 197. See also Spalding's History of the Troubles, vol. i. pp. 222, 223.

† Row says, that the person who subscribed was a minister of Holland, Mr John Forbes, son to Mr John, at Delft, banished for the cause of God. History of the Kirk of Scotland, p. 504. See also Baillie's Letters and Journals, vol. i. p. 144.

‡ Errol MS. quoted in a note by the Editor, in Gordon's History of Scots affairs, vol. ii. p. 4.

until his death in the year 1680. Wodrow, in his Analecta, states an anecdote unfavourable to his religious character, on the authority of Mr H. Cross, minister at Bower, in Caithness, who informed him, that Patrick Forbes, Bishop of Caithness, "when there, was too much given to profane swearing, and was termed 'the swearing Bishop.' A grave minister happened to be with the Bishop, and a gentleman who had an evil habit of swearing, and in that company could not refrain. After once or twice swearing, of which the Bishop took no notice, the minister thought it proper to give the gentleman a rebuke; and among other things he insisted that it was aggravated, because he swore before the Lord Bishop. The gentleman, with a tart enough pun, replyed, 'He was certainly mistaken in his reproof, for he swore not *before* but *after* my Lord Bishop.'"

# APPENDIX

TO THE

# LIFE OF JOHN FORBES.

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## No. I.—Letter from Sir Alexander Straiton of Laureston to the King. *

Sir,—Pleis zour most excellent sacred Majestie, of laitt I acquentit zour Majestie anent the proceeding of the Sinod of Fyff, speciallie thair purpose of keeping ane Generall Assemblie at Aberdein, the fyfe of Julij nixt; for preventing of quilk attemp the Commissioneris and I haif declarit zour Majestie's plesour heirin, and haif requyrit zea comandit tham and all other Sinodis in North Britaine, to forbeir ony sik meting. Zet informit they meane not to cease, hes takin resolutione to avait on that day and place, to resist that meting with authoritie yf they went thairto. The towne of Edenburgh, with quhome I haiff utterlie contestit, of new hes gevin in leittis. The most pairt inclynis to haif Mr Patrick Galloway to supply that vacant place in thair kirk. Ilk zeir producis new effeiris, but since that matter is zett in deliberatioun, the Bishop of Galloway, quha, with diligence is to repair to zour Majestie in that and all other particularis concerning the Kirk, vill gif zour Majestie cleir relatione. Wishing zour Majestie long, hapie and prosperous raigne, I humble kiss zour Hienes handis. Edinburgh, 4th of May 1605.

## No. II.—Letter from the Earl of Dunfermline to King James VI. †

Maist sacred Soveraine,

I crave your Majesty's favour that it may be lesome to me giff entrie

* Wodrow MSS. vol. lxix., folio, no. 7, p. 10.

† Wodrow MSS. vol. lxix., folio, no. 46, p. 79. This letter is printed in the Miscellany of the Spalding Club, vol. ii. p. 152.

to this letter, with some report of the antiquitie. I think, to a man that hes delyted all his dayes in letters writing to the maist learned and wyse Kyng in the warld, it can nocht be imputt to great amisse, albeit some memorie of learning be intermixed thairin. I red that Marcus Scaurus, a man of great renoune amangis the Romanes *florente republica*, being accused by Quintus Varius of a verie odious cryme, that he sould haiff ressaved money fra the King Mithridates, for to betray the affaires of Rome;—efter his accusar had deduced all argumentis and probatiounes he could devise, he used naa other defence but this, *Quintus Varius ait, Marcum regia pecunia corruptum, rempublicam prodere voluisse. Marcus Scaurus huic culpæ affinem esse negat, utri magis credendum putatis.* Whilk defence was followed with the acclamation of the haill peple, condemning the accusar as a calumniator and a lyar, and acknowledging the defendar's undoubted vertew and honestie. Maister Jhone Forbesse, a condemned traitour for his rebellious and seditious conventicles, haldin as General Assemblies, against your Majestie's authoritie and command, accuseis your Majestie's Chancellar to haiff geven advise, counsall or consent to the halding of the said mutinous Assemblie. Your Majestie's Chancellar sayes it is a manifest lye; and, if it might stand with his honour and dignitie of his place, to enter into contestation with sic a condamned traitour, could cleirlie verifie the same. Master Jhone Forbes and all his colleigis, abyddis still at the mantenance and justification of that their Assemblie, as a godlie and lawful proceeding. Your Majestie's Chancellar, by his publict letters, dischargit and contramandit the said Assemblie; he hes sensyne condamned the said Assemblie as a seditious and unlawfull deid, and all the pertakers and mantenars of the same as mutinous and seditious persones. Your sacred Majesty hes to judge whilk of thir twa is maist worthie of credeit. Farther, I think not neidfull to impesche your Majestie in this mater; bot some information I haiff sent to Mr Alexander Haye, whilk it may please your Hienes to accept and heir off, when best lasour fra mair weightie affaires may permit the same. Swa, maist humblie taking my leiff, and praying the eternal God lang to preserve your Majestie in all felicitie, I rest,

Your sacred Majestie's maist humbill and obedient subject and servitour,

DUNFERMELYNE.

Edinburgh, 25th Maij 1606.

## No. III.—Wodrow's Remarks on Spottiswood's Account of the Assembly at Aberdeen. *

In the account of this whole matter of the Assembly at Aberdeen, and the subsequent trouble and trial of the Ministers, I have purposely omitted taking notice of Bishop Spottiswood's account of this matter, in his History, pp. 486-490; that so I might spare myself the trouble of contradicting that most partial Historian at every turn; and when I have given a full state of this matter from original papers and other direct vouchers, I may leave the reader to compare what is above with the disguised and most unfair account given by the Bishop; who, I must think, could not but know facts to be otherwise than he hath represented them, because, at this time, he was at the top of affairs, I may say, and of far greater interest and activity than even Gladstanes the Primate, and was active to draw somewhat from Mr Forbes to the Chancellor's disadvantage, till he brought him to appear for the temporalities of Bishops, and could not but understand the state of the Ministers affair. However, I shall point out some of the most glaring misrepresentations the Bishop gives.

In the entry, he owns that the Assembly was continued or adjourned to the day at which Mr Forbes and the rest of his brethren convened; but then, he says, "The King being informed of a great preparation that the ministers were making for keeping that meeting, and that they intended to call in question all the conclusions taken in former Assemblies for Episcopal government, directed the Commissioners of the Church to desert the diet, and make no indiction of another till he should be advertised. They accordingly did intimate his Majesty's pleasure to all the Presbyterians, and therewith, as they were desired, declared that his Majesty did purpose to call a number of the Bishops and disaffected ministers to Court, and, for preventing such disorderly meeting, hear the differences that were among them debated in his own person." †

If the King had such an information as this, I doubt not it was from this author and the Bishops, who stood not to fill the King's ears with misreports of the ministers; and I as little question but the King, willing the

* From Life of Forbes, in the Wodrow MSS. belonging to the Library of the College of Glasgow.

† The quotation is inaccurately made by Wodrow, and is therefore here taken from Spottiswood's History, p. 486.

Commissioners to delay the Assembly, proceeded from these misreports, and the Commissioners and Bishops fears of their being called to an account for their breach of their commission, and scandalous contravening the Assembly's Cautions.r But as there were no conclusions agreed to directly for Episcopal government by former Assemblies, though, indeed, too much agreed to that was an inlet to it; so I am persuaded the Ministers had no hopes, and, therefore, no design to call in question what was already concluded in Assemblies: whatever endeavours they no doubt designed to use, to have the limitations and Cautions established, for preventing corruptions in Ministers, Voters in Parliament and Commissioners from the Assembly, and the due and yearly keeping of such Assemblies, made as effectual as they could. But though there had been undue designs, as there was none among Ministers, was this a sufficient ground for the Bishops and Commissioners to put the King upon an open breach of promise made in the last Assembly, and a direct counteracting of the Act of Parliament and Act of the last Assembly? This is indeed *the shortest way with Dissenters;* but a method not capable of defence though fairly enough owned by the Bishop. And lastly, I cannot free him of falsehood when he says, The Presbyteries were acquainted in their letters by the Commissioners of a meeting the King designed before himself for peace; which the reader may see from their letter itself above set down, page . . * where so far are they from pretending this, that they declare their earnest desires of an Assembly, and their endeavours to have one, and that they would continue in them with the King. This is a specimen of the Bishop's sincerity in the entry.

It would be too long to notice each paragraph of the Bishop's misrepresentations. I see no ground to think that most Presbyteries resolved to obey the Commissioners letter; since many things which fell in hindered the Commissioners coming up to Aberdeen; neither is it fact that Mr Forbes and Mr Welsh were in expectation of a frequent Assembly, and thought chief ringleaders of this stir, as he calls it. There was a general inclination in the uncorrupted part of the ministry for an Assembly; neither was it any small encouragement from statesmen which made them move in this matter; but [a sense] of their duty to God and his Church.

The Bishop, in the next room, I cannot but think over the belly of clear

* See this letter of the Commissioners in Forbes's Records, p. 384.

conviction to the contrary, insists upon Laureston's pretended charge, the day before the Assembly, and that, as he pretends, by letters from the Council; whereas, by the Registers and otherwise, he behoved to know that the Council's instructions were expressly not to charge them till he presented their letter; neither did he do it, however scandalously he falsified the charge afterward, as we have seen; and the reader is left to judge, whether Laureston's guilt in so doing, under the weight of the fears of the treatment he might meet with from the Prelates, or the Bishop's homologating this, after what he knew of the matter, and publishing it to the world, is the greater.

The speech, I suppose framed by the Bishop for Laureston, (for Mr Forbes and the Ministers represent the matter quite otherwise, and I doubt not, truly,) is pretty enough, and contains a prelatical stretch of the prerogative, That the Parliament is disposed as the King thinketh meet. I fancy it would have been hard for Mr Laureston and the Bishops assistants to have defended this position, That upon a supposition of an Act of Parliament for annual meetings, trienicall or septennically, the King might break in upon it. It's directly false, (I beg pardon for thir flat words, but what is above supports me in them,) *That the Assembly requested Laureston to remove for a little*, and then, in a trick, chose a Moderator. This whole matter stands in its full light in the preceding accounts, which could not be called in question by the Ministers greatest enemies while they were alive to answer for themselves.

It was next said, Laureston denounced them rebels; but it was the Councill did it some time after. Meanwhile the Bishop, though he no doubt knew the Ministers public answer to Laureston's charge, is pleased to pass that over in silence. It was indeed not fit to be told by him; it would have spoiled part of his former tale. The preventing the Ministers meeting in September is given as the ground of Mr Forbes and Mr Welsh's summonds before the Council. But as the first was never summoned, but tricked in before them and then imprisoned, this was not the real cause. The summoning of these two would not have been any great stop. They had stronger ways to prevent a meeting in September, and a good many others were attacked and imprisoned, August 2, two months before October 3; which the Bishop is pleased to forget, *that* he may throw the odium mostly on Mr Forbes and Mr Welsh. He has some pretext for reckoning all but the imprisoned Ministers acknowledgers

of their offence; and yet it was not the case of all either. Several were passed over by intercession, without any acknowledgment, as Mr Archibald Simpson; others did not compear and so were overlooked.

In this acccount of the Council's proceedings, Oct. 24, the Bishop had reason to suppress the loyal and reasonable petition of the Ministers which he could not but know of, and homologates the Council's finding their Declinature treason; or rather coins this as a reason for the Council's deferring censure till the King's mind were known. One would think they were hardly enough censured for any thing they had done, and their close after imprisonment were censure without a sentence, as he represents it. But all this is but a pretext to load the King with their after trial, while himself and the rest of the Commissioners were pushing it.

Every branch almost of his account of their trial has some perversion of facts in it, most injurious to them and the worthy Ministers convened at Linlithgow. He represents that their brethren supplicate for liberty to convene with them as if they had been obstinate persons and already intercommuned; whereas this was the Advocate's own proposal, and neither their brethren nor Advocates that day dealt with them to relinquish their witnesses, &c. There was not [the] least different sentiments among them and their brethren; and the whole ministers approved their procedure. I fear I have wearied the Reader by this time, with thir hints at the Bishop's unjust representations of this affair; but it's a pity his cunning misrepresentations of every thing relative to the worthy Ministers, his contemporaries, should have been so long without being exposed in their own colours.

## No. IV.—Letter from Archishop Spottiswood to the King. *

Please zour most Sacred Majestie,

I wes in the way towardis zour Hienes, quhen it wes my gude happe to meit my Lord the Erl of Dumbar, quhow requyrit me to stay a quhyll, upoun ane opinioun his Lordship hes, that my service heir at this tym may be stedable. I zeldit willinglie, as hafing no other desyr but to do zour Majestie service, quhairevir, at home or abroad. Amongest uther thingis, I wes to haiff menit to zour Hienes the grit prejudice that is done to our Kirk effairis be this detening of the Ministers in ward, the burthen

* Wodrow MSS. vol. lxix., folio, pp. 27, 28.

therof being cast upon us, of purpose to make zour Majestie's design in the erecting of Bishops the more hatit, and other discontentit spiritis serving tham with this as a ground to work sum unquyetness in the State. This, Sir, I impute onlie to the neglect of zour Majestie's directionis gifin in that mater, quhilis we were together at Courte, the suspicioun of quhilk neglect, I persafit your Majestie had evin at that tyme. But quhat hes ben zour Hienes gud plesure since the using of thair Declinator I nevir understud, till my Lord his cumming hither, saif that a brute went of the calling tham before the Justice. And none will deny that is sound myndit, but [except] that they haif merit a more hard dealing; zit as matteris are now handlit, and the peple disposit, any man seis it sall not go for zour Majestie's honour and contentment. "Thairfore, Sir, out of a sincere affectioun to zour Hienes, am I bold, in mayst humble wyse, to entreat zour Majestie, that it may be zour gracious plesure to supersed that business, and renew only zour Majestie's first commandments, that so many as stand obstinatelie at the defence of thair proceedingis, may, by sentence of Counsell, be exylit your Majestie's cuntrey, and others that will acknowledge thair errors, may be confinit within thair parochis during zour Hienes gud plesure." Quhilk opinion, if it sall please zour maist excellent Majestie in zour w[isdom] to approve, than, Sir, let me desyre this farder, that the same may be done during the Erl of Dunbar his residing heir, or else, I am of opinion, zour Majestie sall never see it concludit. This, and many other things, Sir, are done of mere policie to disapoint zour Majestie's affairs in the Parliament; speciallie that concern our Estait. But if it please God, zour Majestie sal haif, or it be longe, a more particular narratioun of thingis, and assurance sufficient, as I hope, for ane happie successe of that service that is so gretlie opposit unto. Mean quhyl, Sir, I must also signifie to zour Majestie the invaliditie of the renunciation maid be the Duke of Lennox, of the Bishoprick of Glasgo, that the samyn may be renewit, and to that effect, zour Hienes wilbe plesit to continew that particular designatioun of landis, quhilk his G[race] is suting presentlie to my coming up, that zour Majestie may haif the securite that is requyrit, seeing his satisfactioun is so great. As for sum particular injuries offerit me, quhilk hes plesit my Lord of Dunbar to mentioun in his letter to zour Majestie, I will not repeat thaim, and, I trust, by his G[race's] meanis, to be reparit. For this tym I cease crafing zour Majestie's

humble pardon for this my importunite, and praying God Almightie to blisse zour Hienes with a longe and happie regne.

Your Majestie's most humble and
obedient Servitor,

GLASGOW.

Edinburgh, the 26th of December 1605.

No. V.—LETTER FROM MR JOHN FORBES TO THE KING, IN VINDICATION OF HIS LOYALTY AND SPEECHES. *

IT MAY PLEASE ZOURE SACRED MAJESTIE,

As I had resolved to trouble your Majestie no moir, zour Majestie not willing to heir from me any moir, so did I think that no man suld have bein so malicious, whom my bypast troubles suld not have stayed from seiking my farder harm; but now heiring that the Conservitour suld inform zour Majestie of traducing speiches uttered be me against zour Majestie, I most crave pardoun of zour Hienes to declar my innocencie. The Lord hes laid this law upon me that I suld not speak evill of the Prince of my peple; the conscience of which dutie hes, dois, and still I hoip, by God's grace, sall inforce me to take head to my speeches of your Majestie, althocht ther were no man to controll me; and besyd the testimonie of my owne conscience, I know their is no place where I have bein, nor prince, or any uther person, with whom I have conferred, but can, and, if neid beis, will witness where constantlie I have stood to the defence of zour Majestie's honour against all sinistrous, either reports or conceitts of men, even speciallie in that same wherin I am now traduced. Nether ever remember I that ever to any I did speak any thing that micht have giffin the smallest occasioun to forge such a calumnie, except onlie that conference twiching zour Majestie which was betwixt the Conservator, Mr Robert Durie, and me, in the Conservatour's own chalmer; wherein he with us, and we with him, lamenting the prejudice that everie where amang gud men did arys to zour Majestie, for the too gryt favour and clemencie used to the adversaries of God's treuthe, zour Majestie's most bitter enemies, and the harder dealing with zour Majestie's most loving subjects, professing the said treuth with zour Majestie: and so falling to speak of the judgments of men, I did schew him that I had

* Wodrow MSS. vol. lxix., folio, no. 53.

seen one who, passing to Ingland, did affirm that he did carie thether letters from Rome, wherby he had wrocht gryt prejudice in the heart of many in France; wherwith long grevyd, I did communicat this my greiff to the Conservatour, ever desyours that zour Majestie micht know it, lyk as he did in no less measure lament the sam inconvenient to me. Bot that I ever did speak that zour Majestie had changed with the Pop letters, or that I did affirm this report of this man to be trew, or did therupon traduce zour Majestie to any creatour, that [if?] he or any uther can prove it, then do I not refuss the deserved punishments. And what wes my part toward zour Hienes in that speech to the Conservatour, his awin testimonie, givin me at my departing, and taking of his loive which he wold have me to tak, in testimonie that he esteemed me a faithfull and loyall [subject] to zour Majestie, ar sufficient to cleir me of all calumnie; for besydes his favourable using of me at my being heir, he did dismiss me at my going away, with als honest a testimonie as he culd give to the most faithfull servand that ever did serve zour Majestie; and not only so, but promised to mak it knowin to zour Majestie, what faithfull dutie I had keiped in all perts towards zour Hieness, so that by no man culd I have looked of that man anie report to be spread to my prejudice. The Lord forgive him, and make zour Majestie wyss to discern suche flatteries! for so long as zour Majestie is willing to heir evill of zour servants, ther sall nevir be wanting who sall invent calumnies to our harme. Nather speak I this to obtain the benefit of my peaceable return to my countrey; for, sence zour Majestie is not resolved to grant [this], I have resolved to bere with the loss of it, till it pleis the Lord to inclyne zour Majestie's heart to farder clemencie. Bot althocht I never return, zet mynd I, by God's grace, to prove no less dutifull and faithful in all reverence, love and obedience to zour Hienes, then if I did enjoy all the favour zour Majestie can zeald me; for I do not as uthers respect zour Majestie for gain, nor peace, nor courtesy, nor any commoditie worldlie, sae muche as for conscience, and that carie I with me whithersoever I go. I hoip the Lord sall give me this grace to love him, and to honour the King always. If zour Majestie had pleased to heir myself befoir this tym, zour Majestie wold have had better pruf of my honest and upricht heart to zour Hienes; but gene zour Majestie will nather have me nor my labors, I rest in patience, still faithful thocht never imployed, and your Majestie's ever,—althocht forsaiken still loving and honouring zour Hienes,—althocht zour Majestie both suld hait me and

procure my scheme [shame], praying to God to bless zour Hienes, and prosper zour throne, and continew zour posteritie theron to the end, and to confound all zour Majestie's enemyis and evill willers, and in tym expedient to mak knawin to zour Majestie who ar faithfull and who not. The sure mercies of David be with your Majestie for evir! Your Majestie's most humble and obedient servand, most unjustlie oppressed and undeservedlie traduced. *(Sic Subscribitur,)*

MR JOHNE FORBES.

No. VI.—LETTER FROM MR JOHN FORBES "TO MY REVEREND BRETHEREN THE PASTORS AND ELDERS OF THE ENGLISH CHURCH AT AMSTERDAM," *

REVEREND AND BELOVED IN THE LORD,—

As I did send you the copie of the Acts concludit at our last Synod, so I would have satisfied your desyr in the other things, now as befoir requyred by you, if they had bein in my possession; but the truth is, that they ar in the hands of Mr Wing, † who did not send them unto me with the Acts, but hes retained them, as I think, till he have first registrat them in his owen book; therfoir, if you please to wryt unto him, I think he will satisfie [you] in that poynt. The Lord grant your desyr in making us of one mind in the truth, so shall his name be moir glorified and his Church more edified, and brotherly love moir regarded! To his grace and blessing I commend you.

Your loving brother in the Lord,

JO. FORBES.

Delph, 16th Decemb. 1623.

* From the Original, among Papers of the English Reformed Church, Amsterdam. Obligingly communicated by the Rev. Dr Steven, Edinburgh. The ministers of this church, at that time, were Mr John Paget and Mr Thomas Potts. Steven's History of the Scottish Church, Rotterdam, &c., p. 279.

† Mr John Wing was at first minister at Sandwich in England, and then chaplain to the Merchant Adventurers at Hamburg. In the year 1620 he was settled at Flushing, whence he was translated to the Hague, and was admitted pastor of the English Presbyterian Congregation there, May 11. 1627, by Forbes, who was then minister at Delft. *Ibid.* pp. 302, 306, 308.

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* The MS. of Scot's Apologetical Narration among the Wodrow Collection of MSS., besides the Marginal Notes of the Author, contains various others written by Wodrow himself. These, from their utility in reference, have here been collected into the Table of Contents.

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It is stated at page lii. that Mr John Forbes had three sons, John, Arthur and Patrick. From Livingston's Memorable Characteristics it appears that Forbes had another son, James, minister at Abercorn. Livingston classes him among "the faithful and able ministers of Christ in the Church of Scotland of his acquaintance," and describes him as "an able and zealous preacher, who after every sermon behoved to change his shirt, he spoke with such vehemency and sweating. Every year he gave the communion four times."

# APOLOGETICAL NARRATION

# OF THE STATE OF

# THE KIRK OF SCOTLAND,

BY

MR WILLIAM SCOT,

MINISTER OF CUPAR.

# APOLOGETICAL NARRATION

OF THE STATE OF

# THE KIRK OF SCOTLAND.

WHEN the light of the Gōspell was striveing with the darknesse of Poperie, within this realme, at the breaking up of Reformation, so many particular kirks as were reformed were governed according to the Order sett downe in the book, prefixed to the Psalms in meeter; which is called, in the First Book of Discipline, "The Book of Common Order," and, in the Acts of the Assemblies, "The Order of Geneva," that is, of the Inglish congregation at Geneva, where Mr Knox had been some tyme minister. We have there the forme of election of pastors, elders and deacons, of the administration of the sacraments, and solemnization of marriages, which continued after till the declining of our Kirk. The election and admission of superintendents, some prayers for extraordinary occasions, the treatise of fasting and excommunication were added afterward. Ministers were directed by acts of the Generall Assembly observe that order in celebration of the sacraments and solemnization of marriage.

In this book there are only four sorts of Office-bearers acknowledged as warrantable by the Word of God: to wit, of pastors, doctors, elders, and deacons. Because the book is obvious to every man, I need not to discourse upon every head. Only let the reader be advertised, that that learned and judicious divine Mr Cart-

wright, in his first reply to Doctor Whitgift, hath these words: "Although the Inglish church at Geneva had that," to wit, funerall sermons, "in their Book of Common Prayer, yet, as I have heard of those that were there present, it was not so used." The reasons alledged in the First Book of Discipline are so forcible to prove the inconveniences of funerall sermons, that there needeth no further doubt to be made of the matter.

The short Confession of Faith prefixed befor that book was the first Confession which was approved by our Kirk.

### OF SUPERINTENDENTS, AND THE FIRST BOOK OF DISCIPLINE.

So soon as the light prevailled over darknesse, a Parliament was holden in August 1560, for the establishing of religion and the suppressing of Poprie. At this Parliament, the Confession of Faith, which is extant among the Acts, was ratified, and again anno 1567.

After the dissolving of the Parliament, consultation was had at the direction of the counsell concerning the policie and government of the Kirk. It was committed to Mr Knox, Mr John Winram, Mr John Row, Mr John Spotiswood, John Willock and Mr John Douglas, rector of the University at Saint Andrews, to draw up the heads of the Policie, as they had done of the Doctrine. When the Book was presented unto the Lords some wished it were ratified by Parliament; others, in mockage, called it a "devout imagination;" the licentious perceaved their carnall liberty was to be restrained, if the discipline prescribed in the book were established; such as had gripped greedily to the church rents considered that their commoditie was much to be impaired, if so much were bestowed upon the ministery, the schoolls, and the poor, as was modified by that Book; yet it was subscribed by sundry, and ratified by Act of Counsell upon the 17th day of January next following, with provision that the bishops, abbotts, priors, and other prelats and beneficed men, who had joyned themselves to the Reformed Kirk, within this realme, be suffered to possesse their

benefices during their lifetime, so that the ministery within their prelacies be provided according to the modification of that book spread abroad.

This Book was not intended to be strictly observed in all tyme coming in every point, but liberty was reserved to the posterity to devise and establish a more perfect, as we may see in the History of the Kirk, pag. 546. That which was alterable and temporary may be discerned from the rest, which is of perpetuall use, by some reason or respect alledged in the book. For somthings were devised for the state of this Kirk in her infancie, and as it were inforced upon them by necessity; the policie of the Kirk being so defaced befor in the tyme of Poprie, that it could not be repaired at the first. Because the harvest was great and the labourers few, they appointed superintendents, exhorters, and readers. They allow in churches, where no ministers could be had for the present, men that could read distinctly the Common Prayers and the Scriptures, but permitt them not to administer the sacraments, unlesse, by processe of tym, they grow able to deliver wholsome doctrine; and yet not befor they be admitted. So they allowed no reading ministers. The exercise of exhorting and explaining the Scriptures, they permitted to some readers, that had any abilitie, to traine them up for the ministry. If, after two years, readers were not found to grow up to that abilitie, they thought it good they be removed and ly not as a burden upon the Kirk.

They requyr no bishops to be placed in the diocesse of the old Popish bishops, which they would have done, if they had thought that the office of a bishop was an ordinary and perpetual office in the Kirk instituted by Christ or his Apostles; but without reguard to the limits of the old diocesses they divide the whole countrey in ten parts, which they call diocies or provinces, and requyre that superintendents be appointed to travell through them, that the whole countrey may be watered with the preaching of the word. To these, charge was given to plant and erect kirks within their bounds. They confesse they were forced to make this difference of ministers through necessity, not that they thought the office of a superintend-

ent is any of the ordinary offices which the Lord hath appointed; which is clear by these words: "We thought good to signifie to your Honours such reasons as moved us to make difference betwixt preachers at this tyme." And again, "We thought it a thing most expedient at this time." Their chief reason was, lest the greatest part of the realme should be left destitute, if the few preachers they had were all settled in particular kirks. They intended to have had a superintendent for every province; yet, because their travelling throw their bounds was chargeable, they could not attaine to moe then five: Mr John Spotiswood for Lothian, Mr John Willock for Glasgow and the West, Mr John Carswell for Argyle and the Isles, Mr John Winrame for Fife, John Erskin Laird of Dunne for Angus and Mearns.

Howbeit the office of those Superintendents was afterward abolished, as was the office of Bishops, I will shew the differences betwixt them and our pretended Bishops who claime to them as their predecessors.

1. The Superintendents must travell through their province, preach thrice in the week, not staying twenty dayes in one place, nor in the chiefe place of their residence above three or four months at the most, but must re-enter in visitation of the rest of the kirks of their bounds. This course they must keep till the kirks be provided of ministers, at least of readers. So their charge stood more in preaching then in governing. Our Bishops teach scarce once in the week in their cathedrall kirk, some scarce once in a quarter.

2. They * crave, that when any superintendent shall be deposed, or depart this life, that not only the eldership, magistrats and counsell of the chief towns nominat two or three of the most learned of the ministery, but also that all the kirks within the bounds have liberty to nominat such as they shall think worthy to stand in election; that, after nomination, edicts be set forth, that such as could object against the persons nominat might be warned to be present,

* "They," that is, the Reformed Kirk craves.

in the chief town, at the day appointed for that effect; that the ministery of the province, with three or four superintendents nixt adjacent, do try their learning, manners, wisdome and ability to govern; that he who shall be found most worthy may be burdened with the charge; that the examination be publict; that the voters be charged, in the name of God, to vote according to their consciences; that the ministers of the province bring with them the votes of the people committed to their care, that the election may be the more free; that the gentlemen and burgesses of the diocie be made privie to the election, that he may be the better beloved being chosen by themselves. In the election and admission of Mr John Spotiswood, Superintendent of Lothian, warning was given to earles, lords, barons, gentlemen and others, that had or might claime vote in election, as ye may see in our Psalme Books.

3. How the Bishops enter to their usurped or pretended office, ye shall see in the owne place. And yet in this book they * grant that at the first tyme, the nomination, examination and admission of the superintendent could not be so strict as they wold have it, and, afterward it must be. Other ceremonies then sharp examination and approbation of the ministers and superintendents, with the publict consent of the elders and people, they cannot allow to the admission of a superintendent. Bishops must be consecrat by the metropolitan, and other three bishops at least must be present. A simple minister might admitt a superintendent. Mr John Knox admitted Mr John Spotiswood. The superintendent by that book must be subject to the censure and correction of elders and ministers, not of his chief towne only, but also of his whole province. What obedience Mr Spotiswood promised at his admission, ye may read in the Book of Common Order. The proud prelat†, his son, saith, he will not be subject to such a crue. If the ministers and elders of the chief town and province be negligent in correcting the superintendent, when his offence is knowne,

* See Note to the page 6. † John Spotiswood, Archbishop of St Andrews.

the nixt one or two superintendents, with their ministers and elders, may conveen him in some part of his province befor them, and correct him. Ye see how carefull they were to keep him in order, when there was no appearance as yet of tyrrany or misbehaviour. By this book, every congregation hath liberty to chuse their owne minister. The person chosen must compeir befor men of soundest judgment, remaining in the chief reformed citty or towne, nixt adjacent, which was the readiest mean could be devised at that tyme. He must interpret some place of Scripture appointed by the ministery, and be examined by them in all the controverted heads of religion, and that publictly, and thereafter sent to the congregation where he is to serve, that he may give a prooff of his gifts and soundnesse in religion by sundry sermons. His examination then was not committed to the superintendents alone, or to such as pleased him to appoint, but to some learned ministers. Imposition of hands they think it not necessary: now it is urged as necessary, but none other necessary but of the bishops hands. Others then superintendents might admitt ministers. Mr John Knox admitted not only the superintendent, but also Mr James Lawson, to the ministery in Edinburgh. In the head of order and discipline to be taken with publict offenders, no mention is made of superintendents, but of ministers and elders; and in their visitation, they are ordained to note such crymes as be heinous, that by the censures of the Kirk the offenders may be corrected.

4. In the head of superintendents we have no degrees of superiour and inferior, provinciall and generall superintendents, but all are made equall in rank and degree: but bishops are subordinat to archbishops, primats and patriarchs. Bishops, in respect of their barronies, have vote in Parliament. They allow no barronies, but stipends upon superintendents, and, therefor, they could have no place to vote in Parliament. No minister, according to this book, must be one of the King's Counsell, be he judged never so apt for the purpose; but he must either cease from the ministery, which, at his pleasur, he may not do, or else cease from bearing charge in civil affairs, unlesse it be to assist the Parliament, if he be called,

they mean to assist with advice, or to answer doubts out of God's word; otherwayes, if they had thought the ministery should be the third estat, they wold have allowed them also place to vote, and sit as judges. Mr John Knox, in his exhortation to Ingland, dated at Geneva, 12th January 1559 yeares, hath these words: "Let none that be appointed to labour in Christ's vineyard be intangled in civil affairs, or, as ye call them, the affairs of the realme, except it be when the civil magistrat and the minister of the word assemble together for the execution of discipline, which is a thing easie to be done, without withdrawing any person from his charge; for, as touching their coming yearly to Parliament for matters of religion, it shall be superfluous and vain, if God's true religion be once so established, that after it never be called in question or controversie."

In this book they requyre a lawfull minister to administer the sacraments; doctrine to preceed the ministration; sitting at the Lord's Table; distribution and dividing be the communicants; abbeyes, munkeries, frieries, nunries, chappells, chanteries, cathedrall kirks, canonries, colledges, other then were for the present parish kirks, to be utterly overthrowne, except only palaces, mansions and dwelling places adjacent, with their orchairds or yards; free election of ministers; their admission in presence of the people; the whole revenue of the temporality of bishops, deans and archdeans, lands, and all the rents of lands pertaining to cathedrall kirks to be bestowed upon the mantainance of universities and superintendents; that baptisme be administred upon the Lord's Day, or on the week dayes after sermon. They condemne observing of fasting and festivall days, violent intrusion of a minister upon any congregation, a reading minister, secret joining in marriage, funerall sermons, communicating at Easter, and sundry other things, as the reader may easily observe.

Whereas, in the Confession of Faith, article 20, they think no policie nor order in ceremonies can be appointed for all ages, tymes and places, and that ceremonies invented by man ought to be changed, when they foster superstition rather then edify the Kirk, their meaning may be explained by their words in this book, in the

head of policie, where they distinguish betwixt things necessarie to be observed in every kirk, and things variable to be ordered by every congregation, and allow every particular kirk to have a particular policie of their own, without prejudice of the common and generall, as, whither to have sermon this or that day of the week, or how many in the week. Ceremonies for good order and comlinesse they allow, but what is that to sacred rites, which are properly called ceremonies.

## THE FIRST COURSE OF GOVERNMENT BY SUPERINTENDENTS AND COMMISSIONERS FOR PROVINCES.

The chief government of our Kirk, since the Reformation, was in power of Assemblies. We have had four sorts of Assemblies, Nationall, which were commonly called Generall Assemblies; Provinciall, which were commonly called by the generall name of Synods; Presbyteries, that is, classicall meetings of a number of ministers within such a precinct; and the Eldership of every particular congregation. But the presbitries or classicall meetings could not be constitut for discipline and government at the first, because of the rarity of ministers; yet we had weekly meetings of ministers, and others aiming at the ministry, for the exercise of prophesieing from the very beginning. The different and variable courses, therefore, was not in the government by assemblies, but in the office-bearers, sometimes ministers having preheminence, lesse or more, above the rest of their brethren; and, for a long time, ministers, all equal in power, governing jointly in presbitries, without acknowledging any superior but synod or Generall Assemblies.

The first course, to wit, of Superintendents and Commissioners, continued till January 1572. When they could not attain to moe superintendents then the five above named, they gave the commission to other ministers to preach in the bounds or provinces alloted to them, to plant kirks, to visit kirks, schoolls, colledges, to suspend, deprive, transplant ministers, to conferr vacant benefices, to procure the eradication of all monuments of idolatry. These were called the

commissioners for planting of kirks, commissionars of, or rather for or to countreyes or provinces, commissioners for visitation. They had the same power that the superintendents had, but that it endured no longer but a year, unlesse it pleased the General Assemblie to continue their commission; so that we may justly call them temporarie superintendents, and the superintendents durable, or constant commissioners, both having a deligat power from the Assemblie, limited by the Book of Discipline and acts of Assemblies; and, therefor, in many acts, under the name of superintendents, are comprehended these commissioners. These superintendents durst not take upon them to sit in an High Commission over their brethren, nor do any thing in matters ecclesiasticall without the consent of the Kirk.

These Superintendents were tryed at every Generall Assemblie, which then were holden twice in the year, where, after they were removed, any that pleased gave complaint or information against them: but we have no sett nor free assemblies to try and censure our pretended bishops, who do what they list without any controlment. The superintendents, especially of Fife and Angus, were delated to the Assemblie for slackness in visiting their kirks, negligence in preaching, admitting of unqualified men, who had been sometime Papish priests, and young men to the ministery without due tryall, according to the Book of Discipline; that they were much given to worldly bussinesse; that ministers resorted not to the weekly meeting for exercise of prophesieing. Ministers were appointed now and then to assist them in preaching, and yet they desired to be disburdened of their office, which is a token that it was not of divine institution, but by humane appointment, and might be laid aside without deposition, at the will and pleasur of the Assemblie. So the countrey was watered with the preaching of the word, not only by superintendents, but also by other ministers and commissioners. Mr John Knox his ministry did more good then all the superintendents. It was ordained in the Assembly, June 1562, that the examination of such as were to be established in the ministery should be in presence of the superintendent and best re-

formed kirk nearest the place where he is to be established, provyding alwayes, that the judgment of best learned who shall be present, be sought, in the examination and admission, and that he who shall be so receaved, shall not be removed but according to the Book of Discipline. Here ye see that the Book of Discipline is to be observed as the rule for removall of ministers. In December 1562, it was ordained that all persons serving in the ministery, as well such as was called bishops, as others, as also exhorters and readers, who have not entered to their charges, according to the fourth head of the Book of Discipline, desist till they be orderly entered. By this Assemblie, it was ordained that the synods be holden twice in the year, to wit, in April and October; that the superintendent give sufficient advertisement of tyme or place to the particular kirks, that the minister, with an elder or deacon, may repair to the place. By the same Assemblie, ministers ought not to be transplanted without consent of the most part of the ministers and elders present at the synod. In June 1563 it was ordained, that if any person found himselfe wronged by any sentence given forth by the session of any particular kirk, he be permitted to appeall to the superintendent and the synod, and, if yet wronged, from them to the Generall Assemblie, from which it shall not be lawfull to him to appeal. So the superintendent alone was not judge of an appellation for a wrong alledged committed by the session or eldership of a particular kirk. If any wrong was done by the superintendent and the synod, remedy might be had by appellation to the Generall Assemblie. But now no remedy can be had, whatsoever wrong we receave from the prelat's hands; for we have no ordinary Assemblies and extraordinary, but when it pleaseth them, and where they may be masters themselves, which also are very rare. Commission was granted by this Assemblie to Christopher Goodman minister at St Andrews, William Christison minister at Dundie, Mr John Douglas rector of the Universitie of Saint Andrews, Mr William Cock and Mr William Scot, to take cognition of the complaint given in by the Superintendent of Fife, against Mr George Lesly, minister of Stremiglo, to decide therein, and to no-

tifie their sentence and decreet to the Superintendent of Angus. Here ye see ministers appointed to be judges of the complaint of a superintendent.

In December 1564, because of the common report, that many ignorants and of bad conversation were admitted to be ministers, exhorters, readers, the Superintendents of Angus, Lothian and the West, were ordained to visit certain bounds allotted to them, other then their owne; and Mr Knox to visit the kirks of Fife, Strathern, Gowrie, and Monteith, to try, suspend, depose as they shall find cause. But who admitted those ignorants or scandalous persons, but superintendents and commissioners for visitation of kirks? In December 1565, it was ordained that the superintendent call the disobedient minister, exhorter, reader, befor himselfe and some of the nearest discreet ministers; and if, being convict of disobedience, he refuse to satisfie according to their injunctions, that he be suspended from his ministerie and stipend till the next Assemblie, that he may be further censured or restored to his former estate, according to the evidence of his repentance. Here, ye see, the superintendent might not so much as suspend a disobedient reader, let be a minister, without associating to himselfe some of the nearest discreet ministers. Presbitries were not as yet constitut, yet they went as near as they could. By this Assemblie, the superintendent was tyed to the advice of the nixt reformed kirk in decerning the excommunication of adulterers, murtherers, &c. This is meant if there be not a reformed kirk, that is, a kirk having an eldership established, where the crime is committed: otherways a reformed kirk without the superintendent might excommunicat, as ye may see in the Treatise of Excommunication added to the Book of Common Order. In this Assemblie, the Superintendent of Fife his complaint was tryed by others then superintendents. In December 1567, Mr John Craig, David Lindsay, George Buchanan, or any two of them, were appointed to direct their edicts to the kirks, which were wyder then the Superintendent of Fife his charge, that the ministers and elders might compear at Couper the 22d of January, with their complaints against the said superintendent, and

to try and report to the nixt Assemblie, which they did to the Assemblie holden in July 1568. The Treatise of Excommunication, after it was revised by some appointed to that effect, was approved by that Assemblie, wherin the reader shall often find mention made of the ministery, session and kirk, but of superintendents only where there is no reformed kirk; and wher there is mention made of superintendents, there is also mention made of assessors joined with them. No excommunication is to be found there by bishops officials. In July 1569, we find that the Superintendent of Angus being appointed by the last Assemblie commissionar to visit the shireffdoms of Aberdeen and Bamff, deprived the principall and regents of the Colledge of Old Aberdeen, not allone, but with the advice, counsell and consent of the ministers and commissioners of the kirks within the bounds. In July 1570, when it was asked, at such as were appointed by the Assemblie to decide questions, What is the jurisdiction of a superintendent, and how farr it is extended? the answer was remitted to the Book of Discipline. In March 1571, (or, according to the old accompt, 1570,) it was asked at such as were appointed to decide questions, Whether the superintendent might take up particular delations in their chief kirk, where ther is good order, execution of discipline, and a weeklie assemblie of ministers and elders for this? and it was answered, That it was thought good for avoiding corruption and partiality, that he have some of the elders with him. It was asked, If any person or persons in a reformed parish or city, where order and discipline is observed, may be compelled to answer befor their superintendent *in prima instantia*, the matter not being tryed befor their own particular assemblie, their immediat judge? It was answered, Ordains the order of the Book of Discipline to be observed herein, wherunto the superintendents are subject.

The Reader, then, may gather by these acts and orders, together with the differences I have observed befor out of the Book of Discipline, what power the Superintendents had, and what odds ther is betwixt them and our usurping Bishops. The hearts of professors were in the begining so ravished with the clear light of the gospell,

that there was no fear of tyrannie; yet, be processe of tyme, the office wold have brought forth as bad effects as it did in Germany, whereof Gualter complaineth in his Homilies upon Luke, (Homil. 132.)

During this course we had no bishops, but only three Popish bishops, who professed reformed religion, and, therefore, were suffered to bruik their rents, but without prejudice of the stipends alloted to ministers; to wit, the bishops of Galloway, Orknay and Cathnesse. They had no power to exerce jurisdiction by virtue of their old episcopall office; and therfor, in the register of the Assemblie, are designed by a note of degradation, as it were, "called or intituled Bishop;" nor might take upon them to be superintendents, but according to the order set down in the Book of Discipline, nor of commissioners, but at the appointment of the Generall Assemblie; and, therefor, when Mr Alexander Gordon, bishop of Galloway, was seeking to be superintendent of Galloway, the Assemblie holden in June 1562 would not acknowledge him for superintendent of Galloway, because he had not observed the order prescribed in the Book of Discipline, nor admit him, unless they understood that the kirks of Galloway sought him to be their superintendent, and till he subscribed the Book of Discipline. In December following, for planting of kirks in the sheriffdome of Dumfreis and the rest of the West, the Assemblie put in leits the said Mr Alexander and Mr Robert Pont, minister then at Dunkelden, ordained edicts to be set forth for the admission of one of them to the superintendentship upon the last Sabbath of Aprile, and appointed the superintendent of Glasgow, Mr Knox, Mr Robert Hamiltoun minister, and others to be present at the inauguration in the kirk of Dumfries. In the mean tyme they give him the power of a commissioner in Galloway. Mr Knox went after to Dumfreis, where he found that Mr Alexander had corrupted the most part of the gentlemen, had induced them not only to nominat him, but also to elect him; whereupon Mr Knox delayed the action, and left Mr Robert Pont with the Maister of Maxwell, that his doctrine and conversation might be knowne. So, Mr Alexander was disappointed at

that tyme, howbeit then familiar with Mr Knox, and often at his table.

In June 1563, commission was given to the bishops of Galloway, Orknay and Cathnesse, to visit their owne bounds, plant ministers, &c. as other commissioners did. They were more able to bear the charges then stipendiarie ministers: otherwayes many were fitter. They had been so enured to abuses in their old government, that they could not carry themselves dutifully as commissioners. Complaints were made upon them, when they wer in office. In December 1564, when the Superintendents of Lothian and Angus, the Commissioners of Galloway and Orkney, wer removed to be tryed, some brethren desired, that it might be demanded of the Commissioners of Galloway and Orknay, Whither, with a safe conscience, they might exerce both the office of a Superintendent and the office of a Lord of the Session? where, by the way, ye may see, Commissioners were in effect superintendents, and might be so called during their commission. They wer both delated in December 1567; Galloway for not visiting kirks, for haunting the court too much, for procuring to be one of the Senators of the Colledge of Justice, and of the Privie Counsell, for resigning Inchafray in favours of a young child, getting lands in few in prejudice of the kirk; Adam, called Bishop of Orknay, for negligence in visitation, bestowing of benefices upon Frances Bothuell, a Papist, and placeing him in the ministery, for occupying of the room of a Judge of the Session, for solemnizing the marriage between the Queen and the Earle of Bothuell, contrarie to an act made against the marriage of the divorced adulterer, till the Assemblie were satisfied for the scandall.

In July 1568, the Commissioner of Galloway, Mr Alexander Gordon, was injoyned to come to Edinburgh at the tyme of the nixt Parliament, and to shew his diligence in the charge committed to him in that province, and to answer whether he will wait upon court and counsell, or upon preaching of the word and planting of kirks. The Superintendents of Fife, Angus, Lothian, were appointed to report his answer to the nixt Assemblie. In the mean-

tyme, Mr John Row, minister at Perth, was appointed to visit Galloway. The Bishop of Orknay was restored again to the ministerie, and enjoined to confesse his offence in the kirk of Holirood House, for solemnizeing the marriage betwixt the Queen and the Earle of Bothuell. In July 1569, the Superintendent of the Isles was rebuked for accepting the bishoprick of the Isles without acquanting the Assembly, and for ryding at and assisting of the Parliament, holden by the Queen's faction for the Queen, after the murther of the King. Mr Alexander Gordon was enjoined to come to the nixt Assembly, and inhibited to exercise any function in the Kirk, conforme to the act made against him in July 1568, by which he was discharged to excercise the office of a commissioner in Galloway, or to lift up the Thirds which he had for that office, in caise he compeared not befor the last session of the Assembly. But I find nothing of his compearance at the nixt Assembly. In February 1570, sundry things were laid to the Bishop of Orkney's charge, and, amongst the rest, that he had desisted from preaching, and sat as a judge in the Session, and styled himself with a Roman title, "Reverend Father in God," which belongeth to no minister. The first he thought had been warrantable; for the second, he denyed that he delighted in any such style, or craved any such arrogant title. This much for these who were called Bishops, only because they had been Bishops in tyme of Poprie, and still bruiked the Bishopricks, but were not bishops in office, but only commissioners at the appointment and during the pleasur of the Assemblie; and yet ye see how they carry themselves, notwithstanding of their joining to the Reformed Kirk, and how they wold have behaved themselves if the General Assembly had not had authority over them.

The Generall Assemblies were not moderated by superintendents, but by such as were freely chosen, whether minister or superintendent. Master John Row, Mr David Lindsay, Mr John Craig, and Mr William Christison, Mr Robert Pont, Mr George Hay, Mr Gilbert Garden, all ministers, were chosen to moderat as well as superintendents, but not one of those who had been bishops of old had the credit to be chosen during all this tyme. The Gene-

rall Assembly mett often upon the 25th of December, so ministers wer not then tyed to stay at home to make a sermon upon Christ's nativity that day. Be an act made in July 1568, such only wer to have place to vote in the General Assemblie: to wit, superintendents and commissioners appointed for visiting of the kirks, ministers and commissioners of shires, chosen at the Synod with consent of the rest of the ministers and gentlemen conveened at the Synod, commissioners of burghs chosen with consent of the counsell and kirk of the burgh, and commissioners of universities. It was ordained that none be admitted without their commission in write, and that the same persons be not continually chosen, lest the power of the Assemblies rest only upon them, but that they be changed from Assembly to Assembly. When Presbytries wer erected this sort of election was somewhat altered. The end of thir [the Assembly's] meetings was not only to make canons and constitutions, but also to try superintendents and commissioners for planting of kirks, receaving of heinous offenders, after evidence of their repentance, to consult upon references, receaving petitions, delations, appellations, to appoint some to decide questions, to appoint commissioners to present their petitions to the Parliament, generally to do all things that were requisit for the welfare of the whole Kirk in generall. These Assemblies were of such importance, that when Secretarie Lethingtoune and other Court Lords made a quarrell in December, anno 1562, about holding Assemblies without the Queen's allowance, it was answered, Shee understood that ther was a reformed Kirk within this realme; that they had their owne orders and appointed tymes for meeting; take from them the freedome of Assemblies and take from them the Evangell, for without Assemblies how shall good order and unity in doctrine be preserved; it is needfull that by the authority, judgment, and gravitie of many, the errors and follies of a few be repressed.

As the ministers did grow in number, and the Synods become more frequent, the Generall Assemblie disburdened themselves of some bussinesse, and committed them to Synods. Adulterers, murtherers, incestuous persons, and others, convicted of heinous

crimes, presented themselves to the Generall Assembly to receave their injunctions, and at the next Assembly they presented themselves again in their linen cloaths, &c. to be receaved. But in March 1570, these penitents wer ordained to compear befor the Synods to the same end. Whereas questions proponed by ministers wer heard in the Generall Assembly, or decided by such as the Assemblie appointed to meet together for that effect, it was ordained by this Assemblie that all questions be proponed thereafter to Synods; and, what is too hard or cannot be solved, that that only be proponed to the Generall Assembly. By an act made in December 1564, if the Assemblie had not leasur to answer to ane question before their dissolving, the decision was to be referred to the Superintendent of the bounds wher the question arose, and such a number of ministers as he should choose to assist him, and their reasons were to be reported in writ to the nixt Assembly; but by this latter act the question was to be decided by the Synod. So to search out the power of superintendents, we should look to the posterior acts, and not to the anterior, which were abrogated by posterior.

The worship of God was preserved all this time in purity by our Generall Assemblies. When the latter Confession of Helvetia was approved by the Assembly holden in December 1566, they ordained that a note be sett in the margine, at the printing, wher ther is mention made of the same five dayes which are now urged upon us. So they approve that Confession of Faith, but with the exception of Holy dayes. The same Assemblie directed a letter to be sent to the Bishops of Ingland in favours of their brethren troubled for cornered capp, tippit, and surplice; where they shewed their detestation of such baggage. Some were appointed by this Assembly to revise the Answer made by Mr William Ramsay, one of the masters of Sainct Salvator's Colledge, to Bullinger's Treatise touching the Apparrell of Preachers in England.

Often did the Assemblies crave, by their commissioners, from the Lords of Counsell and Estates of Parliament, a consultation upon the causes belonging to the jurisdiction of the Kirk, that they might be

separated from the civil, and so the marches ridd betwixt the civil and ecclesiasticall judicatories. Some were appointed by the Parliament 1567, to conferr with the commissioners of the Kirk, but I find no effect nor conclusion as yet.

## THE SECOND COURSE: OF BISHOPS, SUPERINTENDENTS, AND COMMISSIONERS FOR PROVINCES.

Mathew, Earle of Lennox, holding a Parliament in Stirling in August 1571, when the Queen's faction possessed the castle and towne of Edinburgh, the Superintendent of Fife inhibited Mr John Douglas, rector of the University of St Andrews, who was presented a litle befor to the Bishoprick of Saint Andrews by the Earl of Morton, to vote in that Parliament in name of the Kirk, till he be admitted and allowed by the Kirk, under the pain of excommunication. The Earl of Morton commanded him to vote as the Bishop of Saint Andrews, under the pain of treason. The Regent was killed. Befor the dissolving, John, Earle of Marr, was chosen Regent. About the begining of November, the collectors of the Kirk were discharged by letters proclaimed at St Andrews to gather the Thirds, because, as was alledged, ministers stipends were not payed, nor that superplus which was alloted for the King's House out of the Thirds. But it was thought that these letters were raised at the instance of the Earle of Morton, whom Mr John Douglas had informed, by letter, that the collector wold not suffer him to uplift certain dueties belonging to the bishoprick. The Superintendent of Angus, in a prolix letter to his chiefe, the Regent, complained of the inhibition, that nothing be answered to the collectors of the Kirk, that benefices are conferred and bishops sett up without advice and consent of the Kirk. In another letter he complaineth of the great misorder at the last Parliament, in creating bishops, placeing them, and giving them vote in Parliament as bishops, in despight of the Kirk, and high contempt of God; the Kirk opponeing itself against that misorder, seeing the Kirk hath the power of examination and admission of men to spirituall [offices,] and

benefices of spirituall cure, whither bishopricks or inferior benefices. Lest it should seeme that ministers, out of avarice and ambition, sought the possession of great benefices, he letteth his Grace understand, that the Kirk hath continually suited, in their articles consented to, and subscribed by the most part of the nobilitie, that when any benefices vaiked, having many kirks joined thereto, that all the kirks should be divided and severally to severall men to serve, every one at his own kirk; in which mind all that bear office in the Kirk doe continue. If the dismembering of great benefices cannot be granted at this tyme, he doubteth not but the Kirk will consent —that the benefices and offices joined thereto, being conferred according to the order befor mentioned—to assigne such portion as may be spared, above the reasonable sustentation of the ministrie of the kirks of such benefices, to the maintainance of the King's House and common affairs, till farther order be taken in these matters. The Regent answered that their meaning was mistaken; that their meaning was, and still is, to procure the reforming of things disordered any way, as far as may be; that the default is in this, that the policie of the Kirk is not yet perfect, nor any sort of conference had amongst godly men, weel minded, and of good judgment, how the matter may be helped. He sent withall ane discharge of the inhibition lately made. The Superintendent of Angus, at the Regent's desire, wrot to the superintendents and commissioners for a meeting, to consult what order shall be taken for provision to the King's House out of the Thirds, and upon some matters touching the policie of the Kirk and disposition of benefices.

Upon the 12th of January 1572, or, according to the old begining of the year, 1571, the superintendents and commissioners from some towns and kirks conveened in Leith. This meeting is called in the Register a Convention, yet, in the second session, they conclude it should have the force and power of a Generall Assembly. They ordain, neverthelesse, that the moderator of the last Assembly continue till the nixt ordinary Assembly, and that all who were present at this convention should repair to it also. They confesse,

in the third session, they had not tyme to stay, and, therfor, upon the 15th day, gave commission and power to the Superintendents of Fife and Angus, Mr William Lundie of that ilk, Mr Andrew Hay, Commissioner of Clidsdale, Mr David Lindsay, Commissioner of Kyle, Mr Robert Pont, Commissioner of Murray, and Mr John Craig, one of the ministers of Edinburgh, or any four of them, to compear befor my Lord Regent his Grace, and so many of the Secret Counsell as his Grace shall appoint, in Leith, in this instant month of January, to conferr and reason upon such heads and articles as shall be proponed to them by his Grace and the Counsell to conclude, conforme to the instructions given them by this Assembly, and to report their conclusions to the nixt Assembly, to be insert among the acts of the Generall Assembly.

Morton, Chancellor, William Lord Ruthven, Treasurer, and Robert, Commendator of Dumfermline, Secretarie, Mr James Mackgill, Clerk of Register, Sir John Ballandine, Justice-Clerk, Colline Campbell of Glenurquhie, Adam, Bishop of Orkney, were nominat commissioners by the Counsell upon the 16th day of January, to conveen all or any four of them, with the commissioners nominat by the Kirk, to treat and conclude anent all matters tending to the ordering and establishing of the Policie of the Kirk, the sustentation of ministers, support of the King's Majestie's House, and common affairs of the realme, to continue in such order as shall be agreed upon until his Hignesse' perfect age, or untill the same be altered or abolished by the Three Estats in Parliament.

The same day the commissioners conveen, and conclude that the names and titles of Bishops and Archbishops be not altered, nor the bounds of the old diocies confounded; that ther be an Chapter of ministers annexed to every metropolitan or cathedrall see; that during the vacancie, the Dean, or, failing the Dean, the next in dignitie in the Chapter use jurisdiction *in spiritualibus*, which the Bishop might have used; that the Archbishops and Bishops exerce no farder jurisdiction by their spirituall function, then the superintendents had and presently exerce till the same be agreed upon; that bishops and archbishops be subject to the Kirk and Generall Assemblies

of the same *in spiritualibus*, as they are to the King *in temporalibus;* that they have the advice of six at the least of the most learned in the Chapter, to the admission of such as shall have function in the Kirk, and that as many others of the Chapter as please may be present, and vote at the said admission; that ministers and readers be planted throughout the realme; that ther be readers specially appointed at every speciall kirk, where it may be done conveniently, who, being found qualified by the Bishop or Superintendent, and entering by the lawfull order of the true Reformed Kirk, shall minister the sacrament of baptisme, and solemnize marriage after lawfull and orderly proclamation of bannes, as effeirs; that all common kirks be disposed as benefices to qualified persons; that no disposition be made of any deanrie, provostrie, colledge kirk, or other benefice, whereunto diverse kirks are annexed, till it be provided how the ministrie of every one of these severall kirks shall be sustained of the fruits of the same kirk, if it be possible, by speciall assignation of so much yearly stipend as shall be found reasonable; that he who shall have the stile, title or place of abbot, prior or commendator, be learned and well qualified, because he must have place in Parliament; that the King's letters commendatory under the signet being directed to the Archbishop or Bishop of the bounds, where the abbacie or priorie lyeth, he shall try his ability and learning, and upon his testimoniall from his ordinar, the person nominat shall compear before the King or his Regent, and give his oath in forme as the Bishop giveth; and because the persons of the convents are departed this life, the ministers serving the kirks of the abbacie or priorie shall be the Chapter or assessors to the Commendators in giveing of any infeftments, tacks, rights or dispositions of rents concerning the living; that the person admitted commendator may be promoved, if he shall be found worthy, to be a senator in the Colledge of Justice, or imployed by the King in the necessary affairs of the commonwealth; that, first of all, it be provided how the ministers of the kirks belonging to the abbacie or priorie shall be sustained of the fruits belonging to the same kirks. They do not specifie, notwithstanding of all this tryall and exami-

nation, whither the person nominat must be a minister or not, but it seemeth he may be.

Sundry other articles or conclusions were agreed upon, concerning the disposition of provostries, prebendaries, colledge kirks, founded upon temporal lands, or annuells; as also of chaplanries of the like foundation for support of the schoolls; the chapters of metropolitan and cathedral kirks; the King's recommendation with licence to choose a bishop; the form of the edict to conveen the Chapter for his election; the testimoniall of the Dean and Chapter to be returned to the King or his Regent; the confirmation, provision and royal assent upon the Chapter's certificat; the King's command to consecrat him; his oath to be taken befor the King and his Regent; the King's restitution of the temporalities; the form of a letter to be directed to the ordinar, or the see vacant, to the Dean of the Chapter, in favours of a person to be promoved to an abbacie or priorie; the testimonyall of the ordinary returned to the King or his Regent; the gift and provision upon the ordinar's certificat; the forme of the tryall of bursars, and their gift and provision; the forme of the oath to be given by the person provided to any benefice with cure, at his admission, and of bursars of arte, theologie, lawes, medicine, at the tyme of their recept into the Universities. These Articles and formes were considered by the Counsell, and approved by the Regent, in the King's name, upon the first of Februarv 1571, or, according to the now beginning of the year, 1572.

This gallimaufrey* made with such haste could not be weell made. Here was a fair shew of restoring benefices to the Kirk, but in effect it was only to put kirk-men in titles, that noblemen might get the greater security from the titulars of temporall lands to be feued by them, ease of their tithes, and pensions to their servants and dependers; and therefor was this goodly Policy forged. It had been good for the spirituall welfare of the Kirk of God, that such titles had never been hatched, or suffered to keep any life in a reformed kirk. These bishops of the new forge were called " Tul-

* *Galimafrée*, a French word signifying *hotch-potch;* and, in English, any inconsistent or ridiculous medley.

chane bishops." Tulchan is a calf-skin stuffed with straw to cause the cow give milk. The bishop served to cause the bishoprick yeeld commoditie to my lord, who procured it to him.

Edicts were affixed upon the kirk door and abbey gate of Saint Andrews, upon the Lord's Day, the third of February, by the Earl of Morton's direction. Upon Fryday the 8th of February, Mr Patrick Adamson, discontented because he was not preferred, in his sermon, made three sorts of bishops, My lord bishop, my lord's bishop, and the Lord's bishop. "My lord bishop," said he, "was the bishop in tyme of Poprie; my lord's bishop is now when my lord getteth the benefice, and the bishop serveth for a portion, with a title to make my lord's right sure; the Lord's bishop is every true minister of the gospell." Mr John Douglas was chosen, notwithstanding many opposed to the election. George Scott, minister at Kirkaldie, took instruments that he consented not. Mr Knox, being then resident at St Andrews, by reason of the trouble, preached upon the 10th of February in presence of the Earle of Morton, but refused to inaugurat Mr John; yea, in open audience of many, he denounced "anathema" to the giver, and "anathema" to the receiver. After sermon, the Superintendent of Fife went up to the pulpit, taught upon the first chapter of the Epistle to Titus, and, after doctrine, followed the same order that was used in the admission of superintendents; but when the Superintendent demanded if he would not be obedient to the Kirk, and usurp no power over the same, he answered, he wold clame no greater power nor the Counsell and Generall Assemblie should prescribe. It is likely these Bishops and the Court aimed at a greater power than was already agreed upon, and that they looked to obtain at the General Assembly what they pleased, having sped so weell at the last Convention at Leith. In that Convention it was aggried, That bishops and archbishops exerce no greater power and jurisdiction in their spiritual function then the superintendents, (but mark what follows,) "while [until] the same be agreed upon," whereby appeareth farther was intended. Mr John Douglas read his answer to every demand out of write. The Bishop of Caithness, the Superintendent of Lothian,

and Mr David Lindsay, sitting on a foorm befor the pulpit beside him, laid their hands on him, and embraced him in signe of admission.

When Mr John Rutherfoord, provost of the Old Colledge, perceaved Mr Knox his repineing to have proceeded from malecontentment, the next Sabbath, in sermon, he [Knox] said, "I have refused a greater bishoprick nor ever it was, which I might have had with the favour of greater men then he hath his. I did and do repine for the discharge of my conscience, that the Kirk of Scotland be not subject to that order." It is to be observed, by the way, that Mr Knox was not at the Convention holden at Leith, nor was not able to travell to Assemblies for infirmity of body.

The Assembly holden at Saint Andrews in March next following appointed twenty, or any eight of the number, to conveen in Mr Knox his house, to revise and consider the articles and conclusions agreed upon at Leith, and to report to the next Assembly; but we find no report made nor insert in the Register. The Superintendents of Fife, Angus and Lothian, were desired by this Assembly to continue in their jurisdiction without prejudice of the Archbishop, or, in effect, to assist and help the Archbishop. When Mr Knox had heard that the Assemblie had continued the Bishop Rector of the University, notwithstanding of a bill given in by some of the University, [he] regrated that so many offices were laid upon the back of an old man, which twentie men of the best gifts wold not be able to bear; for he was now a bishop, rector of the University, provost of the new colledge. This Bishop, indeed, as he was unable of body to travell, he was unable of tongue to preach; but little respect had the Court to the abilities of the person, so that commoditie could be reaped by vertue of the title. This Bishop had neither the health, wealth nor honor he had befor. Morton and his friends took up a great part of his rent in feus, tacks and pensions.

Theodorus Beza, being informed of the course which was taken in Scotland for the erection of the estate of bishops, wrote a letter to Mr Knox, dated at Geneva, in April 1572, which I know not if

it came to Mr Knox befor his death, that is befor November, as it is like it did. In this letter he adviseth him and the rest of the brethren, as followeth: "As bishops bred the Papacie, so bastarde bishops, the relicts of the Papacie, will not faill to bring in epicureisme upon the earth. Whosoever, therefor, wish the saftie of the Kirk, let them bewar of this plague; and seeing ye have timously put it to flight in Scotland, I intreat you never receave it again, howbeit it entice with a pretext of preserving unity, which hath deceaved even many of the best ancients."

The Assembly, holden at Perth, in August 1572, appointed some to conferr with those who were at the aggreement in Leith, upon the heads and articles aggreed upon, and to report, which they did, with a protestation, to which the Assembly adhered, alse well that were in commission at Leith, as others. They offend at the names of Archbishop, Dean, Archdean, Chancellor, Chapter, Abbott, Prior, and would have the name of Archbishop not used; the Chapter to be called the Bishops Assemblie; the Dean, the Moderator of that Assemblie, and sicklike; the names of Archdean and Chancellor to be changed. As for the functions of Deans, Archdeans and Chancellors, Abbots and Priors, they think good some be appointed to try and give their judgment, how farr the same shall be extended; and upon the changing of the names or titles, they continue farder, revising the articles to a farther opportunity, and adhereing to their protestation, that the said heads and articles agreed upon be receaved only as an interim, till farther and more perfect order be obtained at the King's Majestie's Regent and nobilitie, for which they will presse as occasion shall serve. So they say they will not stand to that interim during the King's minority; and, in effect, they will not stand to any thing aggreed upon; for they have not condescended upon the description and extent of those functions above mentioned, nor their names, and referr farder consideration of all the heads and conclusions to a fitt opportunity. So, in effect, they aggree to no interim; for it wer absurd to think that they aggreed for an interim to offices or functions, not yet condescended upon, nor yet their names. In

the mean tyme way was given to the now admitted bishop to exerce his office according to the aggreement; and others after were inaugurated after the like manner.

Upon the 24th of November 1572, the same day that Mr Knox was buried, the Earle of Morton was chosen Regent. Mr James Paton is inaugurat bishop of Dunkelden, not long after. In August 1573, the Regent, in his articles to the Assemblie, craveth a day to be appointed for the admission of moe bishops.

The Superintendents, notwithstanding, were continued, both where bishops were placed, and where not placed, howbeit they desired to be disburdened: for where they were placed, if the diocie was so large that the Bishop was not able to overtake the charge of visitation, as in Glasgow and St Andrews, superintendents were continued and commissioners appointed for so much of their bounds as the Assembly limited to them. The Superintendent of Fife only was called the Superintendent of Stratherne, during Mr John Douglas's lifetime, because his chief charge of visitation was in Fife and, after his death again, he was called Superintendent of Fife.

Sundry complaints was made upon these new made bishops. Mr John Douglas was delated in March 1573, of old 1572, for admitting a Popish priest to minister baptisme, to whom the Superintendent of Lothian befor had given certain injunctions, which he had not obeyed, for not visiting the halfe-year bypast. He answered, he admitted not the priest till he recanted his Poprie openly in the kirk of St Andrews. The Assembly enjoineth the priest to satisfie the Superintendent's injunctions, and, in the mean tyme, inhibiteth him to exerce any office in the Kirk. To the second he answered, he preached where he visited be himselfe, but might not visit since the last Assembly, by reason of his sicknesse and infirmity. In August 1573, he was delated for giving collation of a benefice, bestowed befor upon a minister to another suspect of Poprie; for suffering of the exercise of Saint Andrews to decay; for admitting some to function in the Kirk that were unable and untryed, specially such as came out of Merce and Lothian; for

receaving some in St Andrews who had committed offence in Lothian; for visiting by others and not by himselfe. He pretended either ignorance or the season of the year, or referred to the books of his visitation. He ended his dayes in the year 1574; fell down dead in the pulpit of St Andrews, and never recovered again; which is to be observed, for he was the first that was inaugurat bishop since the Reformatione. Mr James Paton, Bishop of Dunkelden, was delated in sundry Assemblies, for sundry things. In August 1575, he was suspended for not excomunicating the Earl of Atholl, a Papist, according to the ordinance of the Assembly. He confessed he had sett nineteine years tack of thirtie chalder of victuall of teind, for half a mark the boll, to the Earle of Argyle, but was willing to have it reformed, either with his favour, or by processe of law. Further processe against him was continued till the next Assembly, at the Regent's request. In March preceeding, he was delated for admitting one to be reader, who, within twenty days after, went with a dead corps to the kirk, having his supercloth upon him, as was reported. He was commanded to try the report. George, Bishop of Murray, was delated in March for fornication alleadged committed with M, and was injoined to purge himselfe; wherein he was lingering. Commission was given to some of the brethren to summond the Chapter of Murray befor them to try their proceeding, and what grounds they had to give their testimoniall without due tryall of his conversation and literature. He was a whole winter mumling upon his papers, and yet was not prompt in the delivery of his sermon. Mr James Boyd was induced by my Lord Boyd to accept the bishoprick of Glasgow, the gift whereof he, being familiar with the Earle of Morton, purchassed for his commoditie. In August 1574, he excused his negligence with his imployment in the temporall affairs of his bishoprick: he was not so well qualified as need were. Alexander Gordon, Bishop of Galloway, was discharged to exerce any function in the Kirk till the Assembly were further advised. Sundry things were laid to his charge in the Assembly following, in August 1573, to wit, that in the time of the late troubles, he intruded him-

self in the ministery of Edinburgh; refused to pray for the King; incited them to rebellion against him, notwithstanding of his oath of obedience; sat in a pretended Parliament to dispossesse him of his crowne; gave thanks to God publickly for the slaughter of the Earle of Lennox, Regent; had committed sundry heinous offences. He claimed to the benefite of pacification, which was made at the ending of the troubles; but all which was laid to his charge was not comprehended under that act. In August 1574, John Brand, minister of Holyroodhous, was enjoined, under the pain of deprivation, to excommunicat him in case he do not satisfy. In March following, he submitted himself, excused pairt, confessed or denyed other pairts. Upon his submission, and, for the Regent's request, he was only ordained to confesse his offence publickly in the Abbey Kirk. In August 1575, he presenteth the order of his satisfaction; he is restored to the liberty of preaching, but standeth still suspended from the commission of visitation, but is desired to assist Mr John Row, Commissioner for Galloway. Now ye have seen what manner of men our first Bishops were, and that the Court Lords aimed at their own commoditie more then any good policie in the Kirk.

Sundry acts were made in the mean tyme for curbing both Bishops and Superintendents. In March 1573, this article given in by the Superintendent and ministers of Lothian was approved: to wit, that the extract of the head of the superintendent's office, registred in the Book of Discipline, may be given to the ministers of every province, that the superintendent's office may be tryed thereby, that as they are found diligent or negligent, they may be continued or changed. In March 1574, it was concluded that the jurisdiction of bishops shall not exceid the jurisdiction of superintendents, which befor they had or presently have, and that they shall be subject to the discipline of General Assemblies as members thereof, as superintendents have been in all sorts; that no superintendents or commissioners to plant kirks shall give collation of benefices or admit ministers, without the assistance of three qualified persons, ministers of the province, who shall give their testi-

moniall to the superintendents or commissioners, subscribed with their hand in signe of their consent; and, in like manner, that no bishops give collation of any benefice within the bounds of superintendents, within his diocie, without their consent and testimoniall subscribed with their hands, and that bishops within their owne diocie visit by themselves, where there are no superintendents, and give no collation of benefices, without consent of three weell qualified ministers, as said is of superintendents and commissioners to plant kirks. In August following, anno 1574, it was ordained that superintendents and commissioners found negligent in their office, or not executing their dutifull charge, in their visitation and preaching, or culpable in their life, shall be punished and censured according to the quality of their offence, either by admonition, publict repentance, deprivation for a tyme, or deprivation *simpliciter*, as the Assembly shall think good. In August 1575, because it appeared to some brethren that the long continuance of commissioners in their office wold breed ambition and other inconveniences, it was thought good, where able men might be had, that a yearly change be made. In the decision of questions, it was answered that bishops might not transport ministers, but with the advice of their Assembly. When the Regent, in March 1573, craved some learned men in the ministry to be placed Senators of the Colledge of Justice, the Assembly, after reasoning at length, concluded, That none was able to bear both the charges, and therefor inhibited any minister to take upon him to be a senator in the Colledge of Justice, Mr Robert Pont only excepted, who was already placed. He was licenced by that Convention which was holden at Leith in January 1572; and yet in August following, he was delated, that, being a commissioner of Murray, he made no residence in Murray, visited no kirks these two years bygone, except Elgin, Innernesse and Forresse, &c. He alledged want of leasur; the truth is, he was distracted with another charge. At the same Assembly in March preceeding, it was proponed by the Superintendent and ministers of Lothian, Whether it be lawfull by the word of God that the administration of the word and sacraments, and the ministration of criminall and

civil justice be so confounded, that one person might occupy both the charges? It was answered, It was neither agreeable with the Word of God nor the practice of the primitive Kirk.

The Generall Assemblies were moderated all this tyme, not by any bishop, except once, to wit, in March 1575, (of old 1574,) by Mr James Boyd, nor superintendent but once, to wit, the Superintendent of Angus in March 1572. At other tymes, ministers, Mr Robert Hamiltoun minister of St Andrews, David Ferguson, Mr Alexander Arbuthnet, Mr Andrew Hay, Mr John Duncanson, Mr Robert Pont, moderated.

The Generall Assembly, in their humble supplication to the Regent in March 1574, (alias 1573,) appeall to his owne knowledge If, since God blessed this country with the light of the Evangell, the Kirk appointed not, and, by Act of Parliament, it was authorised that two Generall Assemblies should be holden twice in the year? which they wold not have alledged so confidently if it had not been true; and yet now we misse such an act, and cannot find it extant amongst the printed Acts of Parliament.

Ye see, then, the first sort of bishops, accepted only for an interim, had no greater jurisdiction then the superintendents, differed only in their manner of entry, and that they had vote in Parliament in respect of their barronie and benefice, which superintendents had not: So that second course differeth nothing from the first in effect, but both may be comprehended under the name of "Superintendents, and their Jurisdiction also from tyme to tyme Restrained;" so that we may justly say, the government of superintendents, limited and restrained as said is, endured to the end of 1575 years.

As befor, commission was given to consult upon the causes belonging to the jurisdiction of the Kirk, so during this course also we find, in August 1573, that some of the Counsell wer to be appointed to confer with commissioners of the Kirk, upon articles concerning the jurisdiction and policy of the Kirk. Mark the words, "jurisdiction and policie:" so the stable and constant Policie was not yet concluded. In March 1575, the Assembly appointed some to conferr with the Regent's commissioners upon the jurisdiction and

Policie of the Kirk, and to bring an copie of the conference with them, that all the provinces may have use of it, to the end they may be the better resolved when the matter shall come to publict reasoning. This Assembly ordained an article to be given in to them, who reason upon the policie and jurisdiction of the Kirk, That an law may be made that no bishop be elected to a bishoprick by the Chapter, befor he give a prooff of his doctrine befor the Generall Assembly, and tryall be taken by them of his doctrine, life and conversation; and in the mean tyme discharged and inhibited all Chapters to proceed to the election of any bishop without tryall taken befor of his doctrine, life and conversation befor them; and that thereafter he report his testimonial from the Assembly to the Chapter. By this one article, the reader may easilie perceive what is meant by "policy," in the commissions above mentioned, and that Leith's Policy was not established, not so much as for an interim.

In August 1575, John Durie, one of the ministers of Edinburgh, when bishops were under tryall, as the superintendents were, according to the Order, protested, that the tryall of a bishop prejudge not the reasons which he, and other brethren of his mind, had to oppone against the office. No wonder it was that at every Assembly they were vexed with delations against bishops, seeing the office itself was not lawful.

Anent the question proponed by certain brethren, Whether, if the bishops as they are now in Scotland, have their functions from the Word of God or not? or If the Chapters appointed for creating of them ought to be tolerated in this Reformed Kirk? For the better solution, this General Assembly in August 1575, appointed Mr John Craig, then minister at Aberdeen, Mr James Lawson, minister in Edinburgh, Mr Andrew Melvill, then Principal of the Colledge of Glasgow, for the one part, Mr George Hay, Commissioner of Cathness, Mr John Row, minister at Perth, Mr David Lindsay, minister at Leith, on the other part, to reason and conferr upon this question and to report their judgment. In the sixth session they reported their judgment in writ as followeth: viz. They think it not expe-

dient presently to answer directly to the question; but if any bishop be chosen who hath not such qualities as the Word of God requireth, let him be tried by the General Assembly *de novo*, and so deposed.

### THE POINTS WHEREIN THEY AGREE CONCERNING THE OFFICE OF A BISHOP OR SUPERINTENDENT.

First, the name of Bishop is common to every one of them that hath a particular flock, over which he hath a peculiar charge, as well to preach the word as to minister the sacraments and to execute ecclesiasticall discipline with consent of his elders. And this is his chief function by the Word of God.

Morover, out of this number may be chosen some to have power to oversee and visit such reasonable bounds besids his own flock, as the General Assembly shall appoint, and in these said bounds to appoint ministers with consent of the ministers of that province, and consent of the flock to whom they shall be appointed; also to appoint elders and deacons in every particular congregation, where none are, with consent of the people; and to suspend ministers for reasonable causes with consent of the ministers forsaid.

They thought it not expedient to answer directly to the question for the present, because the Court was set for the state of Bishops; yet in their articles they make a bishop no bishop, because they tye him to a particular flock; but this office of visitation also was after thought needless, where presbitries wer constitut. Observe, here, also the superintendent is joined with the bishop, and the articles strick at both, and both were removed to the door togither.

Mr Andrew Melvill returned to Scotland in July 1574, before which tyme the conclusions at Leith wer called in question, and the matter of policie was in hands. Because the former was not condescended upon, what could he do when he came, but by the abilitie of his gifts? he had no power to command the meanest minister, let be to overrule Assemblies.

## THE THIRD COURSE: OF VISITOURS.

The advice and opinion given in by the brethren concerning this question moved about the office of bishops in the last Assembly, after reasoning at length upon every article, was approved by the Assembly following in April 1576. And to the end the said articles may be put readily in execution, bishops who had not received the charge of a particular congregation wer injoined to condescend what particular congregation every one wold make choice of; and because the bounds which bishops, superintendents and commissioners of countreyes had befor were too large, wher thorough discipline was not duely exercised through lack of visitation, some were appointed to go apart, and, according to the parts of the countrey designed to them *respective*, to make a division of the whole realme into such bounds as might be commodiously visited by such Visitors as shall be appointed by the Assembly. They give in their judgment, and the Assembly nominated one, two, or three ministers for visitation of any of the limited bounds as they thought expedient.

The brethren appointed to advise upon their office, power and jurisdiction, gave in the Articles following which were approved:—

"That he call the rest of the ministers togither within the bounds of his visitation; hold Synodall Assemblies and be moderator; try ministers; have the oversight of schools, [and he] be tryed by this Assembly; propone matters that are to be consulted upon; gather votes, [and] declare what is found by votes; have the oversight of all the particular kirks within the bounds of his visitation and of the ministry thereof; see that every one of the ministers exercise their own vocation diligently in their own congregations; in the bounds of his visitation, appoint ministers with advise of the ministry of the province assembled in the Provinciall Assembly, at the least, six of the best learned within his bounds, or, that failing, of the next adjacent to be chosen in the Synodall Assemblies, the cause being there tryed, particular intimation being made to his particular congregation to be present,

except some urgent cause occur that it be necessary to do the same with short advice, as if the minister committ some notorious cryme, whereby he cannot longer be detained in his office, in which case the Visitor may conveen them that are upon the exercise of that province, and they, with him and the session of the particular kirk, proceed to suspension, after lawful tryall. Upon the presentations of patrons to the Visitor, he, with consent of the Synodall Assembly of his province, shall give letters testimoniall to him that is presented, lawful impediments being taken away, at the least with the advice of six ministers within his bounds, or, that failing, of the next adjacent, to be chosen in the Synodall Assembly, provyding alwayes, that the consent of the flock where he should be appointed be had, or else a reasonable cause be shewed by them, wherefor not; and in caise he hath been a minister befor, that he receive his letters testimonialls upon the presentation, with the consent or advice of the ministers of the exercise within that province; and that none give collation of any benefice without the bounds committed to him by commissioners from the Kirk. That all ministers be admonished not to proceed unadvisedly to excommunicate; and if difficulty arise thereanent, that the Visitor and the rest of the country be advised with; and sicklike, anent absolution. Where there is not *ecclesia bene constituta*, that he travell to constitut it. That he take heed to the keeping of the exercise, repairing of kirks and kirk-yards, designation of manses and gleibs, and all other charges pertaining *ad decorem ecclesiæ*, and granted to the Kirk be the lawes of the countrey."

So ye see neither bishops nor superintendents is acknowledged any longer; every minister is a bishop according to Scripture language; that the office of a visitor is accessory to the office of the ministrie only at, and during the pleasure of the Assembly. Bishops or superintendents may not visit henceforth so much as a portion of their former diocie, unlesse it be designed to any of them as to other ministers by the Assembly. Ye see these visitors were in effect but constant moderators tyed to Synods or some selected associats. In July 1580, it was ordained that in every Pro-

vinciall Assembly certain assessors shall be nominat by them to concurr with the commissioners of the countrey who shall subscribe with him in all weighty and great matters; and, in October 1576, that the books of these commissioners and visitors be sighted at the Generall Assembly. Notwithstanding of all these cautions and limitations, it was declared by the Assembly holden in October 1580 to be a corruption, and to tend to tyrrany, that such a kind of office as the office of visitors should stand in the person of one man, which should flow from the presbitries; yet because of the state of the tyme and lack of present order for establishing and constituting presbitries, they suffered that office of visitors yet to stand. It was thought meet that the Clerk Register should be requested to concurr with some ministers deput by them to devise a plott for the constitution of presbytries, and to report their judgment to the next Assembly; yet in July preceeding, *anno* 1579, when it was mentioned by the Synod of Lothian that a generall order be taken for erecting of presbytries, where publict exercise was used, till the policie of the Kirk be established by law, it was answered, The exercise may be judged a presbytric.

This third interim or course of Visitors indured from the begining of the year 1576 till the begining of 1581.

During this course, bishops were urged with two things. One was to take them to a particular flock, and to quyte other corruptions of that estate, as they were already found out or to be found. In Aprile 1578, it was ordained that all bishops and others bearing ecclesiasticall function be called by their own names, or "brethren" in tyme comming. Again, forasmuch as ther is great corruption in the estate of bishops as they are presently made within this realme, whereunto the Assembly wold provide some stay in tyme comming so farr as lyeth in them, to the effect that farther corruption may be brydled, the Assembly hath concluded, that no bishop shall be elected or admitted hereafter, befor the next Generall Assembly, discharging all ministers and Chapters to proceed to the election of the said bishops, in the mean tyme, under the pain of perpetual deprivation. In July following, this Assembly, all in one voice, concluded and

provided, that the said act shall be extended to all tymes to come, ay and till the corruption of the estate of bishops be utterly abolished, and that all bishops already elected be requyred particularly to submit themselves to the Generall Assembly concerning the reformation of the corruptions of that estate of bishops in their persons, which, if they refuse after admonition, to proceed against them to excommunication. In October 1578, the Assembly sett downe the speciall corruptions which they craved them to reforme, with promise that if the Generall Assembly shall afterward find farther corruption, to be content to be reformed by the Assembly, when they shall be required. The corruptions expressed for the present were, that they be pastors and ministers of one flock; that they usurp no criminall jurisdiction; that they vote not in Parliament in name of the Kirk without advice from the Assembly; that they take not up, for the maintainance of their ambition and ryotousnesse, of the emoluments of the Kirk, which may sustain many pastors, the schools and the poor, but be content with reasonable livings according to their office; that they claime not to themselves the titles of temporall lords, neither usurp temporall jurisdiction, whereby they may be abstracted from the discharge of their office; that they impyr not above particular Elderships, but be subject to the same; that they usurp not the power of presbytries; that they take not further bounds of visitation then the Kirk committeth unto them. In July 1580, the office of a bishop was damned by a speciall act, as followeth: "Forasmuch as the office of a bishop as it is now used and commonly taken within this realme, hath no sure warrand, authority, nor ground out of the Scriptures, but was brought in by the folly and corruption of men's invention to the great overthrow of the true Kirk of God, the whole Assembly in one voice, after liberty granted to all men to reason in the matter, none opponing themselves in defence of the said pretended office, findeth and declareth the said pretended office, used and termed as is above said, unlawfull in the selfe, as having neither fundament, ground, nor warrant in the Word of God; and ordaineth, that all such persons as bruik, or hereafter shall bruik, the said office, to be charged *simpliciter* to dimitt, quyte, and leave off the

samen, as an office whereunto they are not called by God: And sicklike, to desist and cease from preaching, ministration of the sacraments, or using any way the office of pastors, while they receave *de novo* admission from the Generall Assembly, under the pain of excommunication, to be used against them: wherein if they be found disobedient or contraveen this act in any point, the sentence of excommunication to be executed against them."

Least any man should think that they damned not the office *simpliciter*, but the corruptions, he must know that these corruptions are the very essence of the office; so that to abolish the corruption of the estate of bishops, is to be abolish the corrupt state of bishops. For if the name be common to all pastors, and every one must be bound to a particular flock, and can claim no superiority over his brethren, by virtue of such an office, the bishop is no more a bishop, as a diocesian bishop is now defined, but every minister is a bishop, and the Scripture acknowledgeth no other.

In this Assembly it was also declared, that all collations or admissions that shall be given by any pretending the style of Bishop shall be void in the self, null, and of no effect in tyme coming.

It was declared likewise, that the offices of readers and exhorters are no ordinary offices in the Kirk of God, and so both bishops and readers were thrust out.

In Aprile 1576, Mr James Boyd, Bishop of Glasgow, was delated for preaching seldome. He confessed he was not so liberally doted * with understanding as others; that preaching is a gift not equally bestowed on all; yet he had preached at Govane and other kirks, and was willing to do his dutie. He was urged to take him to a particular flock: loath was he to be restricted; at length he made choise of the kirk of Oswald, and yet attended not. In October 1578, he was urged to submitt himself to reformation of the corruptions of his estate, which he was as loath also to do; yet, at last, he was forced to yeeld. His submission was exhibit in write, in July 1579. Mr Patrik Adamsone, soon after the Reformation, left his

* *i. e.* gifted.

flock, and went to other countreyes. After his return, he re-entered to the ministery. Now when he findeth the bishoprick of Saint Andrews vacant, he leaveth Pasley, and becometh the Regent's minister. He was soon after presented to the bishoprick. In April 1577, he was delated, that he had entered in the bishoprick contrary to the acts of the Assembly; had usurped the office of visitation in Fife, not being authorized by commission, or with power from the Assembly; and had left his ordinary office of the ministry. Commission was given, because he was absent, to some brethren to try him upon these points, to try the Chapter and the Inaugurers, and to discharge him of farther visitation till he be authorised by the Assembly. He at length submitted himselfe; but in October 1578, commission was given to some brethren to charge him with the transgressions committed by him against the tenor of his submission, and to charge him to quyte the corruptions of the state of a bishop in his person, as they shall be particularly specified to him; and, if he refuse, after due admonition, to excommunicate him. Their commission was renewed in July 1579, to charge him, *de novo*, to quyt the particular corruptions, whereunto he had not yet agreed in his answer; likewise to charge him with these offences: First, That having submitted himselfe to the Assembly, he went immediately after and voted in Parliament. Second, That he gave collation of a viccarage haveing no power of visitation where the viccarage lyeth. Third, That he had agreed to all the heads of policie except four, and yet opponed to the same in the Parliament. What were his answers I find not; but I find he submitted. In a word, all the bishops were brought under subjection, forced to submitt, to quyt the corruptions of their estate, and to obey that act made against bishops in July 1580. In that Assembly, the Bishop of Dunkelden, who had been deposed befor, for not repairing a tack made to the Earle of Argyle, was charged to dimit his bishoprick, and repair the losse of dilapidation of the rents under the pain of excommunication.

## OF THE SECOND BOOK OF POLICIE.

In the mean tyme, the Assemblies were diligent setting down the constant policie which they desired to be established. In Aprile 1576, commission was given to some brethren of the ministry to conveen, conferr and deliberat upon the policie; some from the West to meet in Glasgow; some for Lothian to meet in Edinburgh; some for Fife to meet in Saint Andrews; some for Angus and Mearns in Montrosse; and some for Aberdeen; and to meet in severall companies in the month of June; and to meet, two or one at the least of each company, in a common meeting at Stirling, to conferr their whole travells, and to report to the nixt Assembly. In October following, some brethren were appointed to revise their travells, conferr upon things already penned, and other things which were presently to be given in, and put them in some good forme.

In Aprile 1577, the heads were read publictly, and agitat. All had liberty to oppone with reason. Such as wold not reason in publict were directed to resort to the brethren, who had these heads recommended to their study and search. After reasoning, some heads were referred to further reasoning; some, because obscure, had need of explanation; some, because prolix, had need to be contracted, that they might be presented again to publict reading. Some wer appointed to revise the wholl travells taken in that matter, digest and dispose them in good order; and, in the mean time, it was permitted, that if any pleased to reason, that they have accesse to these brethren. In the tenth session, they returned to the Assemblie with the heads digested in order, and in one body. All that had any argument to the contrary were requyred to propone the same. Three heads wer only called in question, *De Diaconatu*, *De Jure Patronatus*, *De Divortiis*. These three heads were reasoned upon *in utramque partem*,—further disputation referred to the day following. Some brethren were appointed to contract or enlarge the heads, where it was requisit, yet more accuratly, and digest them yet in better order. Such as pleased to reason farther were

directed to resort to them. The visitors were ordained to intimate to the barons within their bounds, that such a work was in hand, and to desire their presence and concurrence at the nixt Assembly. They send some to the Regent, from tyme to tyme, to informe him of their proceedings and diligence; but he was not weell pleased with their platforme. A fast was appointed to be keept through the whole countrey, and to begin upon the Lord's Day, the 9th of June, to continue and end the nixt Lord's Day. One of the chief causes [was], that the work of establishing a perfect order and policie in the Kirk, which was presently in hands, might have good successe.

In October following, it was thought good that the heads of the policie and jurisdiction, which were read in the audience of the Assembly, should be presented to the Regent as agreed upon, after reasoning among the brethren, except the head *De Diaconatu*, with a note that the same is aggreed upon by the most part of the Assembly without prejudice of further reasoning. Some brethren were appointed to present a coppie; and, in case the Regent required conference and reasoning, a number were appointed to concurr and attend upon advertisment given by the Regent. Beza's Treatise of Divine, Humane, Satanicall Episcopacie, dedicated to my Lord Glames, Chancellor, was sett forth in the mean tyme. The Regent had no doubt stayed the work, he was so sett for bishops and conformitie with Ingland, unlesse the Lord had stirred up a faction against him. The King is perswaded to take the government in his owne hand, howbeit, the year sett downe in the act of the Queen's dimission was not yet come. Morton resigned the Regiment upon the 12th of March 1577, or, as we now reakon, 1578.

The brethren reported to the Assembly following in Aprile, that they presented the Book of Policie to the Regent, togither with the supplication of the Assembly, and that a day was appointed for conference; but the alteration of authority interveening, they presented some articles to the King, one of which was for the Policie. Because some brethren found some difficulty in the head

*De Diaconatu*, further reasoning was referred to this Assembly. All that had any argument to propone were warned in the fourth session to be prepared the day following; but then none offered to oppone against or propone any argument. It was thought good that a coppie, after reviewing yet again of the heads, be presented to the King, togither with a supplication, and another coppie to the Counsell. In case conference and reason be craved, some are nominat to conveen with such as shall be nominat for that effect be the King and Counsell. Another fast is appointed to be keept in June. One of the causes was, that God wold put it in the hearts of the King and Estate, not only to make good lawes for the government of the realme, but also to establish such a policie and discipline in the Kirk, as is craved in the Word of God, and is conceaved and penned already, to be presented to his Highnesse and Counsell. Whatsoever should be the approbation of the King and Counsell, we see the Assembly hath aggreed and approved the Book.

The brethren reported to the Assembly in June 1578, that the King gave a very comfortable and good answer, that not only wold he concurre with the Kirk in all things that might advance the true religion presently professed, but also wold be a procurator for the Kirk; that thereafter he presented their supplication to the Counsell; that some wer appointed by the Counsell to confer with some ministers. That conference was read: little disagreement. By Morton's procurement, the Parliament was translated from Edinburgh to Stirling, where Morton stayed with the King, with his favourers and dependers. Atholl and the rest of that faction stayed in Edinburgh discontented. All that could be obtained at this Parliament was a commission to conferr upon the heads of the Book. The commissioners of the Kirk, who had sought a ratification of the Book, took this for a shift, because the Book was allowed befor by those who were appointed to conferr upon the matter, except in four heads, wherein was no great difficulty, and which were explained in the last Assembly. They desired so many, at least, to be ratified as were agried upon, and a commission to be given to some to reason upon the rest; but that was not granted, for Mor-

ton was the chief guider of this Parliament. Some noblemen of the other faction being present at the Assembly, in October 1578, the Moderator of the Assembly, in name of the Assembly, intreated them for procureing the like, and that none vote in Parliament, in name of the Kirk, but such as have commission from the Kirk. A conference was holden in December, in the Castle of Stirling, by such as the King called for; but, the death of Atholl intervening betwixt and the nixt Assembly, Morton beareth the greatest sway.

The King writeth to the Assembly, which was holden in July 1579, upon occasion of some rumours, that they were to treat of some things which might seeme somewhat prejudiciall to the ecclesiasticall policie, long travelled in and hoped for, willing them to forbear any proceeding at that tyme, which may touch matters heretofor not concluded upon by his laws or receaved in practise; but whatsoever in the former conferences, touching the policie of the Kirk, was remitted to be reasoned and decided by the Estates in Parliament, so rest without prejudgeing the same by any of their conclusions, at that tyme; that he is content, that befor the approaching Parliament, such matters as are not fully reasoned may be consulted upon, that they may be prepared to passe, in forme of lawes, at the approaching Parliament. The Assembly understanding how that letter was procured, giveth commission to some brethren to passe to Stirling and present some articles to the King; this amongst the rest: That, because, in the late conference holden at Stirling, at his Highnesse command, concerning the policie of the Kirk, certaine articles thereanent remained yet unresolved, and referred to further conference, that persons unspotted with such corruptions, as are craved to be reformed, may be named by his Majesty, to proceed to a further conference upon the said policie, and tyme and place be appointed to that effect. Here ye may see what hath hindered full agriement hithertill. A pithie, eloquent, and prolix letter was penned, to be presented by their commissioners to the King, to perswade him to establish by law that Policie which they had drawn, not out of the cisterns of men's

traditions, but out of the pure fountain of God's Word; which thing wisely begun in his Highesse name, be his first Regent of godly memory, and ordained by the Act of Parliament to be followed furth, hath been diligently pressed for from time to time, but especiall since the acceptation of the government in his own person; as yet no furtherance.

In July 1580, they direct their commissioners to the King with some articles, and this in speciall, that the Book of Policie may be established by the act of Privy Counsell till a Parliament be holden, that the same might be ratified.

In October, and the months following, the King caused some of the Counsell conferr with them at sundry dyets, by their direction and advise, how Presbytries or Elderships may be constitut of a certain number of paroches lying together, small paroches united, and great divided, for the better sustentation of the ministrie, and more commodious resort of people to their kirks. There was also drawne up the forme of a letter, to be written to some of the principall noblemen and gentlemen, and some of the ministers within the bounds of every eldership, to conveen, advise, and report to the King their advice in things requyred for this, betwixt and the 24th of June nixt.

But, it is to be observed, that the Earle of Morton's death was plotted in the mean tyme. He was accused upon the last of December 1580, and committed to prison upon the 2d of January following. Howsoever, he was either through ignorance, as himselfe confessed afterward, or induced by the Inglish, to oppose to the Policie which was in hand, yet he was stout and wise, one of the chief mantainers of religion, and a chief instrument to set the crowne upon the King's head. The tyme of his government was esteemed the best that Scotland ever saw. Lest it should be thought alteration of religion was intended in cutting off such instruments, it was expedient to hearken to the articles of the Kirk, and please ministers and professors with somthing in the meantyme.

The heads of the Policie are extant in print under the title of

the Second Book of Discipline, whereunto I referr the reader, desiring him to observe, that any bearing office in the Kirk may not usurp dominion or be called lords; that the titles invented in the kingdome of Antichrist, and his usurped hierarchie, ought not to be suffered in the Kirk of God. They condemne admission of any to papisticall titles of benefices, such as have no function in a reformed kirk, as Abbotts, Priors, Commendators; as, also, the old Chapters, Convents of Abbeyes, Cathedrall Kirks, and the like; Deans, Archdeans, Chanters, Subchanters, Treasurers, Chancellours, and others having the like titles flowing from the Pope, or Canon Law; Diocesian Bishops, their election by Chapters; that any person under whatsoever title, attempt any act in the Kirk's name, either in Counsell or Parliament, or out of Counsell. To be short, almost every line of the Book condemneth the present course.

Ye may see what pains were taken to search out the true and durable policie which ought to be established in the Kirk; that it was not brought in rashly, without deliberation, but after many conferences and reasoning in publict Assemblyes, and other appointed meetings, (more grave and learned men was there never in our Kirk then at that tyme); that it was not brought in by falshood or force, but liberty was granted to every man to reason and oppone. How this course of Episcopacie hath entered, ye shall see, in the owne place. We are now to see how this Policie was put in practice.

## THE FOURTH COURSE: OF PRESBYTRIES ENDURING TILL THE YEAR 1610.

The Second Confession of Faith, which is commonly called the King's Confession, was subscribed by the King and his household upon the 28th of January 1580, or, according to our new accompt, 1581. The first clause of this Confession comprehendeth the first Confession already ratified in Parliament: so it is not merely negative, but partly affirmative, partly negative; and the negative was added for the better tryall of Papists, and the sincerity of converts and professors, in abrenounceing errors. A charge was sub-

scribed by the King at Halyrudhouse, the 2d of March, and proclaimed, commanding commissioners and ministers to urge their parochiners to subscribe this Confession; to proceed against such as refused, according to the laws and Order of the Kirk, and to delate them to the King and Counsell. This Confession was approved by the Generall Assembly, holden in Aprile after, and in other Assemblyes following; and by their direction, subscription was to be required of ministers and professors of all ranks. In this Confession, we professe we detest not only the Pope's owne worldly monarchie, but also the wicked Hierarchie which is maintained and defended by him: the Counsell of Trent declared this hierarchie to consist of bishops, presbyters and deacons. We then professe we detest the degree and superiority of bishops. Again we professe we abhorre and detest all particular heads, as they were then damned, and confuted by the Word of God, and Kirk of Scotland. But, so it is, that not only the doctrine sounded from pulpits against Episcopall government, but, also, it was damned in the Book of Policie, agreed upon in the General Assembly, and, by a particular act of the Assembly, holden in July 1580, and in Aprile 1581. They declare, that by that act, they meant to condemne wholly the estate of Bishops, both their spirituall and temporall jurisdiction. When we promise then solemnly, and swear by the great name of the Lord our God, to defend the doctrine and the discipline then approved and embraced by the Kirk of Scotland, according to our vocation and power, under the pains contained in the law, and danger both of soul and body in the day of God's fearfull judgment, we promise to maintain the constant discipline already agreed upon, and not a temporary or interim of superintendents, bishops, visitours, which were all acknowledged to be brought in for an interim. The Presbyteriall government was that which they rested upon, already concluded, and plotts were drawne for the constituting of them*; sundry of which were erected befor professors were urged by acts of the Assembly to subscribe this Confession. See Aprile and October 1581.

* *i. e.* presbyteries.

The Laird of Caprintoun presented to the Assembly, holden in Aprile 1581, the King's letter, containing a commission to concurr with the Assembly, together with certain rolls concerning the planting of kirks, and a plott drawn for erecting of Presbytries; and the letter which was to be sent to the noblemen and gentlemen within the bounds of every Presbytrie, to consider what the Assembly wold have added or diminished in the forme of the letter. In the instructions given be the King, with advise of the Counsell, he is directed to signifie to the Assembly that he hath caused, and yet will cause, the conference be keept for furth getting of all things which may set forward the Policie, while the same may be established by law. In the letter which was to be directed to the noblemen and gentlemen, we have a clear acknowledgment of the necessity of Presbytries in these words: "It is thought impossible to attain to any formall order likely to have continuance to the posteritie over our whole realme, while the ancient bounds of the diocies be dissolved, where the paroches are thick togither and small to be united, and wher they are over great and larger bounds, to be divided; and, thereafter, Presbytries or Elderships constitut for a dusson of parishes, or thereabouts, some more, some fewer, as the commodity of the country lyeth, when the ministerie and elders in these bounds conveening may commodiously excercise discipline, and take order in the affairs of the Kirk, so farr as shall be appointed, befor the cognition be brought to the Synodall Assembly." Some brethrene were appointed to consider the rolls, and plott given in by Caprintain. After they had reported their judgment, the Assembly thought good that, without delay, some Presbyteries be constitut for paterns to such as wer to be erected afterward, viz. at Edinburgh, Saint Andrews, Dundee, Perth, Stirling, Glasgow, Air, Irving, Haddingtoun, Dumbar, Chirnside, Linlithgow, Dumfermling, and appointed some brethren in severall parts to put that in execution. It was ordained also, that the Book of Policie, howbeit it had not so good successe as good men wished, that it might be insert in the Register of their Acts for a testimony to the posterity of their pains and travel.

Morton suffered upon the 2d of June. After he was out of the way, the Duke of Lennox began to be troublesome to the Kirk. He provided Mr Robert Montgomery, minister at Stirling, a stolid asse and arrogant, to the title of the bishoprick of Glasgow, vacant by the death of Mr James Boyd. The brethren of the Presbyterie of Glasgow were sore vexed for refusing to admitt him. Sundry offences and erroneous points of doctrine were laid to his charge in the Assembly holden in October 1581. He was inhibited, under the pain of excommunication, to medle any farther with that matter. The Presbyterie of Stirling is ordained to try him in these articles, which were given in against him, &c.; yet he persisted and caused the Presbyteries of Glasgow and Stirling, and the Synod of Lothian, to be troubled for opposing him or proceeding against him. He was therefor deprived in Aprile 1582, during the will of the Assembly, and had been excommunicated, if he had not stayed the sentence by his submission; yet they gave power to the Presbyterie of Edinburgh to excommunicat him in case he medled any farther. But notwithstanding of his promises and submission, he transgressed the injunctions given him, and therefor was excommunicated, upon the 10th of June, at the direction of the Presbytery of Edinburgh. Commission was given in June to proceed against the Duke in case he intertained him. The King and Counsell declared and caused proclaime that the excommunication was null; but the people abhorred him as an excommunicant.

When the Duke was preparing for a chamberlaine air,* Marr, Gowrie and others their adherents went to Perth in August, where, meeting with the King returning from hunting in Atholl, they invited him to Ruthven Castle, removed such as favoured Lennox, and the new Earle of Arran, James Stewart, a brother of the house of Ochiltree, another misguider of the Court. Arran was apprehended as he was coming to the King. The Duke is forced to depart out of the country. Some of the Lords, reformers, stay by course about with the King. Mr Robert Montgomery seeketh to be reconciled to the Kirk again.

* *Air*, an itinerant court of justice.

The King, much grieved at the death of the Duke of Lennox, withdrew himselfe from the Lords, and went secretly, upon 28th January 1583, out of Falkland to Saint Andrews, accompanyed with Collonell Stewart; where he remained till such noblemen repaired to him as he wrote for, and the new Earle of Arran was recalled. Mr Patrick Adamson had lurked a long tyme in the castle of St Andrews, like a tod in a holl diseased of a fearful feditie, as he himself called his disease, whereunto he fell through gluttony and drunkennesse which kythed diverse tymes, and once by filthy vomiting, beside the Moderator in the Assembly. For the curing of his disease, he sought help of witches; but now he becometh whole, went to the pulpit incontinent, declaimed before the King against the ministerie, and the Lords that guarded the King lately. He was warned by the Synod of Fife, *apud acta*, to compear befor the Generall Assembly holden in October 1583; where the processe of the Presbytry of St Andrews against him and the witch with whom he consulted, and the processe of the Synod of Fife, were produced. The process being found orderly deduced, and for contumacie in not compearing, he was suspended from the office of the ministerie, and farther tryall was to be taken of his life and corrupt doctrine. Pretending he was to go to the well of Spa for the recovery of his health, he purchased from the King security that, during his absence, the Kirk should not proceed against him. But it was his purpose to stay in England under the colour of ambassage, and there to seek the advice of the most corrupt sort he could find, for the overthrow of the discipline of the Kirk of Scotland; for he thought the surest course to keep his benefice was to use some wicked and indirect dealling against the Kirk.

The Lords who had possessed themselves about the King at Ruthven, and their adherents, wer either induced to take a remission, or forced to depart out of the countrey. Such as had licence granted to depart had a time prescribed to them. Gowrie lingered, waiting upon the opportunity of taking the Castle of Stirling, which was intended by Angus, Marr and the Master of Glames. Gowrie was apprehended and beheaded in Stirling, the 2d of May 1584.

Some ministers, howbeit no way privie to the enterprize of taking the Castle of Stirling, were certainly informed that they were to be apprehended without any citation; because Mr Andrew Melvill, compearing in February 1584 befor the Lords of Secret Counsell, declined them as judges of his doctrine, and, therefor, was commanded to enter into Blacknesse; but he being informed that his life was sought, conveyed himself into England. Now others, to eschew violence, follow after: Mr John Davidson, Mr James Carmichael, Mr Patrik Galloway and some others.

In the meantyme our famous ambassadour, Mr Patrick Adamson, is not idle in England. His carriage there is painted out in the "Legend of the Limmer's Life." After he had ended his negotiation in England, he returned soon after the execution of the Earle of Gowrie. It was concluded in Counsell, that a Parliament should be holden, and begun the 19th of May. No intimation was made befor by proclamation. Such as were privie to it were of Arran's faction, or such as durst not oppose themselves. The Lords of the Articles were sworn to be secret. They had but five sessions in three dayes. The dooers were kept so closse, that none of the ministrie could find accesse. Dangerous acts were concluded, which the reader may see extant among the Acts. Mr Patrick Adamson and Mr Robert Montgomery satt in this Parliament, as representing the Third Estate, and gave their voices, forsooth! to make themselves Bishops. The King and Counsell, suspecting that the ministers of Edinburgh wold declaime against the proceedings of that Parliament, sent a charge to the provest and baillies, to pull them by violence out of the pulpit, and to committ them to prison, in case they did so. The provest and baillies dryve tyme till the acts wer proclamed. The acts were proclaimed upon the 25th of May. Mr Robert Pont, and Mr Walter Balcanquell, took publict documents in the name of the Kirk of Scotland, in the hands of George Mackeson, that they protested against the said acts.

Mr James Lawson, and Mr Walter Balcanquell, ministers of Edinburgh, understanding what charge was given to the provest and the baillies, what Arran had threatned, what was intended

against them, after consultation with the Presbytrie, with the chief of their flock, and some barrons and gentlemen dwelling near by, withdrew themselves and went to England. What letters past betwixt them and their flock, of which some proved very undutiful, and no better then enemies, I passe by as too prolix to be insert in so short an abridgement. Some others fled soon after; others were troubled and committed to prison here at home.

The Acts were so agitat among the subjects, and misliked by good men, that the Court was forced to sett Mr Patrick Adamson, the chief deviser, on work, to make a Declaration of their meaning and the King's intentions, and that as in the King's name. This Declaration came to light in January nixt following; was so greedily embraced by the English bishops, reprinted with an odious preface;* and to preserve the memory of it, was inserted in the Continuation of Holinshed, where that lieing lybell lyeth as a blurr to blot their Chronicle. Sundry confutations went current in writ among men's hands, specially in a dialogue entituled Zelator and Temporizer, where Palemon decerneth for Zelator.†

Ministers were urged to subscribe obedience to the Parliamentarie bishops, and approbation of the late acts, under pain of the losse of their benefice or stipend. Many yeelded; a good number refused. Sundry reasons were writen by Mr James Melvill, then remaining after his flight in Berwick, and by sundry others, whereby the brethren were strengthened. The shortnesse of this abridgement will not suffer me to descend into a particular deduction.

These troubles endured till the pest began to rage in Edinburgh, and other chief towns. The people cryed out, that the Lord's hand wold not be stayed till the banished Lords and ministers returned; whereupon their friends advertised them to draw near to the Borders; but there was difficulty in obtaining licence from the Queen; yet, when the Lord Russell, eldest son to the Earle of Bedfoord, was slain at a meeting in the borders, between the Wardens, upon the 26th July 1585, and no redresse could be had, the Queen suf-

* See the Wodrow Miscellany, vol. i. p. 473, &c.

† This dialogue is inserted in Calderwood's History, vol. iv. pp. 295-339.

fered the banished to return without asking the King's consent. The banished Lords, Angus, Marr, and the Master of Glames, and the Commendator of Arbroth, banished long before for other causes, returne to the borders, gather their forces. Maxwell, lately persued by the Court, joineth with them. They came forward to Stirling. Arran seeing the Castle wold be rendered, escaped upon the 2d of November be the bridge. The Lords were receaved into favor, and a Parliament was appointed to be holden in December for their restoration.

Ministers repair from all parts to Linlithgow a little befor the begining of the Parliament. The sincerer sort sought an abrogation of the late acts. The King was so headstrong, that the banished Lords, notwithstanding of their fair promises in time of their exile, pretended it was not expedient to medle in that matter at that tyme; they must be first settled in their own Estats, and then they would work wonders; the King might be wrought upon afterward and won, &c. The good Earle of Angus was willing indeed for his part, but could not find any concurrence; yet the ministers insisted with the King. He desired them to sett downe in write what exceptions they had against the late acts. They sett down their animadversions as pithy as shortnesse of time wold suffer, which they presented with a supplication, wherin they craved the ministery to be restored to their former possessions, as well of discipline as of their places, from which they were displaced by occasion of the said acts. The King took pains to pen a declaration of the acts with his own hand, which, when he had delivered to them, he said should be as good and sufficient as an Act of Parliament; yet was it not sufficient, but rather needed a reply. But the cold winter and uneasie lodging caused the Parliament hasten to an end.

A conference was holden in February following betwixt some of the Secret Counsell and some of the Ministery, not of the soundest sort apparently, such as yeelded subscription; wherein it was aggreed that Presbytries should be re-established, but yet that those that bruiked the title of Bishops should have power to give collation of benifices, moderate in Synods, visit diocies, with advise of such

as should be chosen by the nixt Generall Assembly, and after by the Synodall, and wher ther are no bishops that ther be commissioners appointed having the like power. But in Aprile the Synod of Fife, which had been intermitted two years by occasion of the troubled estate of the Kirk, conveened in Saint Andrews, cutt off Mr Patrick Adamson as a rotten member, by excommunication, for teaching, notwithstanding that he was suspended by the Generall Assembly, for the notorietie of the offences for which he was suspended; for impugning the settled order of Generall Assemblies and Presbytries; for contempt of the Synod; and for other notorious slanders whereof he was to be accused, but refused to underly the tryall. The Bishop directed a messenger with a complaint to the King, and ane appellation to the King, Estate and Counsell; which was learnedly and at length confuted by Mr James Melvill. The Generall Assembly following soon after, which was holden in May 1586, without examination of their processe or his appellation, but for the good hope they had of the King's favourable concurrence to bind up the House of God, and the promises made by Mr Patrick in his submission, held the said processe and sentence as unled, undeduced, and pronounced. Against this forme of proceeding protestation was made by some of the brethren of that Synod.

In this Assembly was first seen what fear and flattery of Court might work among weak and inconsiderat ministers. Much travel, indeed, was taken by the Court to obtain this, and the subscriving ministers had not as yet throughly repented. The Bishop, notwithstanding, was odious to the godly, remained suspended, and felt the weight of the sentence more heavy afterward, not resting upon this *absolvitor*.

The same Assembly assented to the conditions sett downe in the late conference, for the most part, but [except] that in receiving of presentations and giving collations, the Bishop or Commissioner shall proceed with advise of the Presbytery, and other assessors to be joined to him, or, of the most part of them, till the Generall Assembly take farther order, that their visitation of Presbytries or

particular kirks be not prejudiciall to the Presbytries owne visitation; that they neither admitt nor deprive without consent given of the most part of the Presbytrie and other assessors to be joined by the Synod; that as a pastor of a particular flock, he shall be subject as other pastors to the tryall and censur of Presbytries and Synods, but in respect of their commission, to the Generall Assembly. But the King could not be satisfied unlesse they were subject only to the censure of the Generall Assemblies, and, therefor, it was yeelded to, untill farther order were taken by the Generall Assembly; yet Presbytries were re-established, time and place appointed for holding of Synodall Assemblies. Commission was given to some brethren to lead processe against a number of these bishops and commissioners, reserving the sentence till the nixt Generall Assembly; and it was declared, in the sixth session, that ther are four ordinary office-bearers in the Kirk set down to us by the Scriptures—Pastors, Doctors, Elders, Deacons, and that the name of Bishop must not be taken as it hath been in tyme of Papistrie, but it is common to all pastors and ministers.

The mixed government of bishops, or commissioners, and Presbytries could not endure long; howbeit those who had befor been possessed in the benefice were tolerated still to enjoy the same. But, in the Assembly following, in June 1587, they ordained the Presbytrie of Glasgow to annull their admission of one to the temporalitie of the bishoprick of Glasgow; and sent a letter to the King bearing their reasons wherefore they could not consent that Mr Robert Pont should accept the bishoprick of Caithnesse, as his Majesty would have had him, to wit, because that corrupt estate or office of these who had hitherto been called Bishops was not agreeable to the Word of God, and had been damned in divers other Assemblies. It was ordained by this Assembly, that all pastors, of whatsoever sort, be subject to the tryall and censure of their brethren, as well of the Presbytries as of Synodall and Generall Assemblies; that masters of colleges and schools shall receave none of mature age, till they subscribe the Confession of Faith, and communicat, nor promove them to any degree till they

subscribe *de novo*, under the pain of the censures of the Kirk. In their instructions given to such as were appointed by them to attend upon the King and the Parliament, they enjoine them to admitt nothing hurtfull or prejudiciall to the discipline of the Kirk, as it was concluded, according to the Word of God, by the Generall Assemblies preceeding the fourscore four year; but precisely to seek the same to be ratified and allowed, if possible it may be. Little more could be obtained by their commissioners at the Parliament, but the first point, to wit, That nothing was done prejudiciall. The Lords thought they had done a great benefit to the Kirk in that, that bishopricks, abbacies, and priories, were annexed to the Crowne; for, by this means, [it was] thought we should not be troubled again with the bishops.

In the nixt Assembly, which was holden in February nixt following, Mr Patrick Adamsone, for that present diseased, was delated for sundry things, and deprived of his commissionrie, and Mr Thomas Buchanan appointed commissioner till the nixt Assembly. Commission was given to the Presbytrie of Edinburgh to summond him before them, to answer for solemnizing the marriage of the Earle of Huntly, without subscription to the Confession of Faith, and other offences; and to censure him. Mr Robert Montgomery having satisfied the Kirk, the Assembly findeth he may be admitted to a flock where he hath not been scandalous, providing he be found qualified in life and doctrine.

At a convention of ministers in January 1589, or, after the old accompt, 1588, some were appointed to travell with the King for his subscription *de novo* to the Confession of Faith, now in his perfect age, and to renew the charge given in his minority to all his subjects to subscribe of new again, which was also obtained. A commission was given by act of Counsell, after the Assembly, holden in March 1590, to some ministers to receave *de novo* the subscriptions of noblemen, barrons, gentlemen, and other subjects, to the Generall Band for the mantainance of religion and the Confession of Faith, which was put to execution; and the Confession of Faith was subscribed by persons of all estates the second tyme.

In the Assembly holden after the King's return out of Denmark, in August 1590, he praised God that he was borne in such a time as in the time of the light of the gospell, to such a place as to be King in such a Kirk, the sincerest Kirk in the world. "The Kirk of Geneva," said he, "keepe Pasch and Yuille. What have they for them? They have no institution for them. As for our neighbour Kirk of England, their service is an ill said masse in Inglish. They want nothing of the masse but the liftings. I charge you, my good people, ministers, doctors, elders, nobles, gentlemen and barrons, to stand to your purity, and to exhort the people to do the like; and I, forsooth, so long as I bruik my life and crowne, shall maintain the same against all deadly." Ther was nothing heard for a quarter of an hour, but praising of God and praying for the King.

At this Assembly it was ordained by common consent of the whole brethren, that whosoever hath borne, presently beareth, or hereafter shall bear office of the ministrie in the Kirk within this realme, be charged by every particular Presbytrie, wher they are resident, to subscrive the heads of the discipline of the Kirk within this realme, at length sett downe and allowed by the act of the whole Assembly, in the Book of Policie, which is registrat in the Register of the Kirk; and, namely, the heads controverted betwixt us and the enemies to that discipline, betwixt and the nixt Synodall Assembly [of the provinces,] under pain of excommunication, to be execut against the non-subscribers; and that the Presbytries which shall be found remisse and negligent herein shall receave publict rebuik from the General Assembly; and that the Moderator of every Presbytrie receave from the Clerk of the Assembly a coppie of the said Book, under his subscription, upon the expenses of the Presbytrie, betwixt and the first day of September, under the pain to be accused openly in the face of the Assembly. In this Assembly was likewise concluded, as followeth: "Forasmuch as it is with common consent of the whole brethren of the Assembly resolved, that where the Presbytries are well and orderly constitut, the yearly election and nomination of visitors

over countreyes hitherto customably observed in the Assembly, is not necessary nor expedient; the same Presbytries, having established in themselves a sufficient power, to send out of their own number some instructed with their commission, *pro re natâ*, to take order with such things as fall out in their bounds: Therefor, it is thought meet, and concluded, That the said yearly election of commissioners over countreys where Presbytries are well and sufficiently constitute, shall cease in tyme coming. And where befor the said commissioners did bear the charge to enroll the ministers and their stipends at the platt, receave presentations, and give collations thereupon, designe manses and gleibs, That the said well constitut Presbytries, every one of them, shall yearly (ay and while the necessity craveth) elect and choose out of their owne number a brother, in name of the whole Presbytrie, for enrolling and expeding their stipends at the platt; designe manses and gleibs within the bounds of the said Presbytry; and in all things concerning the execution of his commission to be countable and subject to the judgment and censure of the Presbytrie, and that all presentations be directed in tyme comeing to the Presbytrie where the benefice lyeth. Alwise, in admission and deprivation of ministers in Buchan, Aberdeen, Garrioch and Marre, that Buchan and Aberdeen proceed with mutuall advise in admission and deprivation of ministers, and likewise Marre and Garioch; and in case of variance, that the matter be remitted to the Assembly."

Some of those that were at this Assembly, have sensyne accepted bishopricks: Mr Neill Campbell, after Bishop of Argyle; Mr Peter Blackburn, after Bishop of Aberdeen; Mr Patrick Lindsay, after Bishop of Rosse, now Bishop of Glasgow; Mr George Gladstones, after Bishop of Saint Andrews; Mr James Nicolson, after Bishop of Dunkell; Mr George Grahame, after Bishop of Dumblane, now Bishop of Orkney; Mr William Couper, after Bishop of Galloway; Mr David Lindsay, minister at Leith, after Bishop of Rosse; Mr John Spotswood, after Bishop of Glasgow, now Bishop of St Andrews.

The King was so vexed with complaints upon Mr Patrick

Adamson, lying registrat at the horn for debt, and so ashamed of him, because he was so odious, that he rejected him, and disponed his liferent to the Duke of Lennox. The miserable Bishop fell into poverty and sicknesse, and was forced to crave support by Mr Andrew Melvill. He sent to the Presbytrie of St Andrews and desired to be absolved from the sentence of excommunication. Some brethren were sent to him to try him. He cryed often and pittifully to Mr James Melvill, "Loose me, for Christ's sake." At their report he was absolved.

Mr John Caldcleugh presented, in his name, to the Synod of Fife, which was holden in Aprile 1591, his Recantation in certain articles. Some were directed to him to crave a more clear and ample recantation in the vulgar tongue; which he did, and subscribed with his owne hand.* It was read in the Generall Assembly holden in July nixt following.

At the Assembly, holden in July, in respect the greatest part of the Presbytries had not satisfied the ordinance of the last Generall Assembly, touching subscription to the Book of Policie, it was ordained that the former act be observed and put in execution with the rest, betwixt and the nixt Assembly.

In the Assembly holden in May 1592, it was thought good that this article be presented amongst others to the King, because of the approaching Parliament, to wit, That the Acts of Parliament made in the year of God 1584, against the discipline and liberty of the Kirk, be annulled, and the same discipline, whereof the Kirk hath been in practice, ratified. The terror of Bothwell's remaining in the countrey; the horror of the fact at Dunnibirsle, yet recent in men's minds, partly because the Earle of Murray's corps was lying in Leith kirk yet unburied, partly by reason of publict rebuike and threatning from pulpit; and the better expeding of Bothwell's forfaultrie, procured at the nixt Parliament, farr by the expectation of the ministry, an act for ratification of the liberty of the true Kirk, of Generall and Synodall Assemblies, of Presbytries and Sessions;

* See Adamson's Recantation, in Row's History, Wodrow Society edit. pp. 118-31.

and of their jurisdiction and discipline for all tymes to come; and for abrogation of all acts, statutes and canons, made of before in the contrair; and that all presentation to benefices be directed thereafter to particular Presbyteries to give collations thereupon. This is the first act of the twelth Parliament of King James the Sixth, and was sent from the King to the Generall Assembly holden in April 1593, as a great gift, as it was indeed, if he had suffered them still to enjoy it.

At this Assembly, which was holden in Aprile 1593, the names of all the Presbytries were given up, viz. Dingwall, Kirkwall, Thurso, Dornoch, Taine, the Channorie of Rosse, Invernesse, Forresse, Elgin, Ruthven, Bamff, Deir, Innerourie, Aberdeen, Kincardine, Cowie, Brechin, Arbroth, Meigle, Dundee, Dunkelden, Perth, Dumblane, St Andrews, Cowper, Dumferling, Kirkaldie, Stirling, Linlithghow, Edinburgh, Dalkeith, Haddingtoune, Dumbar, Peebles, Chirnside, Dunce, Jedburgh, Melrosse, Drumfreis, Kirkudbright, Wightoun, Air, Irving, Pasley, Dumbartoune, Glasgow, Hamilton, Lanark. These were the townes whereunto the ministers of the kirks nixt adjacent resorted every week for exercise of prophesie, by course, and exercising of discipline. The seat of the Presbytrie might not be changed without the determination of the Generall Assembly, as the act made in October 1581 beareth.

What matters were treated in Presbytries the reader may find in the first act of the 12th Parliament; or, to be short, they put in execution the acts of Synodall and General Assemblyes; exerced the ordinar jurisdiction of admitting, suspending, depriving ministers within their bounds; excommunicating, or allowing, or commanding obstinat impenitents to be excommunicat, or absolving the penitent; of visiting particular kirks within their bounds, receaving complaints from ministers and other members of particular kirks: what jurisdiction the Diocesian, that is, the bastard Bishop, had over all the kirks and ministers of the diocie; that a company of pastors, or divine and apostolicall bishops had over every one of the number severally, and their congregations committed to

their charge, consociat togither under that Presbytry, without controlment of any bishop, till the Assembly holden at Glasgow 1610: Therefor, of necessity, their meeting behoved to be frequent for exercising discipline, and so their custome was to meet weekly.

Nor yet was ther any superiority of any one of the number above the rest; but only priority of order in the person of him who was to moderate, and only so long as he was to moderate, that is, for halfe a year, to wit, from their Synodall Assembly to the nixt Synodall Assembly, as was determined in Aprile 1582. The Moderator was chosen only by the brethren of the Presbytrie, which order endured till that pretended Assembly which was holden at Linlithgow 1606. Visitation of any particular kirk within the bounds of the Presbytrie was not tyed to the Moderator, nor was it thought meet in Aprile 1582, but that the Presbytrie direct two or moe to that effect, as they should see expedient. Nor was it thought expedient then that the Presbytrie should be astricted to direct their Moderator to the Generall Assembly as their commissioner; but that they have liberty to send such of their number as they thought meetest for the weel and comfort of the Kirk.

Synodall Assemblyes consisted not of some commissioners from Presbytries, but the whole brethren of the Presbytries belonging to any Synod, conveened not in one certain place, but in the place appointed by the last Synod. After the last Moderator had ended his exhortation they proceeded to the election of another. These Synods were holden twice in the year, and had power over the Presbytries. Every Presbytrie by course was tryed by the rest, and rebuiked for negligence or commended for their diligence. If any of their number deserved to be censured, he was tryed, suspended, or deposed. They receaved complaints upon, or appellations from Presbytries, if any were. As occasion required, they aggreed upon articles to be proponed to the nixt Generall Assembly, &c. The Generall Assembly was holden twice in the year, till the year 1584, and after once, (except in the troublsome times *anno* 1584 and 1585,) till the 1604th year. The Moderator was

chosen at every Assembly. It consisted of Commissioners from burghs, and shyres, and Presbytries.

Seeing pastors are equall in power by God's ordinance, that government cannot be lawfull which brings in superiority of one above others. Whereas that paritie in power is charged with anarchie and confusion, it is an unjust imputation, proceeding from malice or ignorance; for, notwithstanding of this paritie amongst pastors considered severally, ther is a subordination of deacons to elders, of elders to pastors; nixt a subordination and subjection of sessions or elderships of particular kirks to Presbytries, of Presbytries to Synods, of Synods to the Nationall Assembly. Thirdly, Every pastor is subject to the joint fellowship of pastors in Presbytries, Synods, or Nationall Assemblyes. Fourthly, Ther is a priority of order, in that ther is one to be President or Moderator in every meeting or Assembly. It is not then loose or single, but a compact paritie ordered, as said is, that we allow.

This comely order preserveth that paritie which God hath allowed to be amongst pastors, considered with respect of one to another severally, and is more convenient for the Kirk of God than the superiority of Diocesian Bishops. It cannot be denyed, but many eyes see better then one, either in trying ministers or finding out of hereticks, or devising remedies for evills, or examining delinquents. Nixt, put the case, the sight of one may be sharper than of many; yet many having equall power are not so easily corrupted to pervert discipline and judgment, as one judging and ruling by his sole power, or with power by his negative voice to frustrat the voices of many. One that is a stranger and no kindly pastor may be more easily induced to wink at hereticks; to admitt or tolerat unworthy and vitious ministers; to suffer Atheisme or Poprie to grow, than a number of pastors watching over their owne flocks. The zeall of one stirreth up the coldness of another, and his zeall is tempered by the mildnesse of a third. The contempt of the world in one beareth downe the covetousnesse of some worldling. The grace and gifts of God to diverse persons, like sundry ingredients in one salve, meet togither and temper one another. It is expedient,

say politicians, that in Synods or Assemblies, ther be some like Cato, Appius Claudius, or the like, to correct with their severity the gentle voices of others. 3dly, Will not the kindly pastors be more carefull and vigilant for the weell of their owne flocks, than an idle sheepherd sett over them with a generall oversight, and at the appointment of men? 4thly, Is ther not greater liberty, and, consequently, sincerer government where men may utter their minde freely in propounding, reasoning, voting, when all are of equall power, than when one hath power to present others to benefices, to give collation, prefer, transferr? or, on the other side, to depresse, vex, and persecut? 5thly, Is it not more convenient for the ease of God's people, that causes be pleaded, offences tryed, and offenders censured, where the offence is committed, without charges to parties or witnesses, and with expedition, than to trouble the subjects with travelling to the Bishop, and to stay upon his tryall and determination? 6thly, Is not that government mor convenient for the Kirk, where no man is exeemed from censur, then where prelats rule without controlment, either of Presbytries or Synods, and from whose censur they are exeemed, or of Generall Assemblyes, which are not holden but when it pleaseth them, and are overruled by them, when they are holden?

It is often alledged, that parity is subject to schisme and breeding of heresies; but I answer, That may be true, where parity is not qualified and ordered with the subordination and subjection above mentioned, but every man is suffered to live as he list; but where it is ordered, as said is, experience in our owne Kirk is a sufficient evidence of the most powerfull mean to suppresse schisme and heresie: and that was the reason King James alledged, to an Inglish divine, wherfor our Kirk was never troubled with heresie; "for if," said he, "it sprang up in a paroch, there was ane eldership to suppresse it; if it had escaped them, the Presbytrie was ready to crush it; if the Presbytry should be negligent, then the Synod was to see to it; if it had not been then suppressed, the Generall Assembly had taken strick order concerning it." But we never heard that any error was so obstinatly mantained, that it was brought to

the censure of a Synod, let be of the Generall Assembly, but only of Mr Robert Montgomery, and Mr Patrick Adamsone, usurping bishops, and Mr Thomas Hepburn, who held that the souls of the faithfull, after departure, do not enter into the joyes of heaven, till the day of judgment; yet he was suspended, and after conference with such as were appointed to conferr with him, he corrected his opinion. The like proof we have in the Kirk of France; and if the Reformed Kirk of the Low Countreyes had enjoyed the liberty of sett and ordinary Generall Assemblies, as the Kirk of Scotland did, and of France doth, Arminianisme had not gotten head amongst them. If that extraordinary Nationall Counsell had not been holden at Dort, in all likelyhood it had prevailled. But Episcopall government hath bred or intertained schisme, heresie, tyrranny. If a presbyter had hatched a heresie, it was soon suppressed, unlesse a bishop had taken the patrocinie; but if a bishop had hatched a heresie, or had taken upon him the defence of an heresie hatched by another, he drew commonly the whole diocie after him, and so the heresie was spred farr and wyde. Therefor, when the universall bishop was sett up, the generall apostacie followed. The whole world hath been shaken with contentions for preferment of Bishops, Patriarchs and Popes to their places, so that we may justly averr, that the superiority of bishops hath been the knife which hath cutted the strings of concord and peace. The ethnick Emperors have not been greater persecutors, then lordly Prelates. If we will cast our eyes upon our neighbour Church, there we shall find Famulists, Anabaptists, Lutherans, Arminians, and preachers themselves, popishly affected; sound and orthodox preachers and prefessors silenced, imprisoned, banished, or otherwayes hardly used. Since the ring of equality among pastors in our Kirk was broken, and the liberty of holding Assemblies was reft from her, a fearfull schisme hath entered, with obtruding Popish ceremonies. Poprie and Arminianisme are taught in kirks and schooles, and none so easily preferred to bishopricks or inferior places, as Arminians and Popish preachers, which in end will draw the whole body to apostasie and defection, which is more dangerous then schisme.

## THE FIFTH COURSE IS OF THE EPISCOPALL GOVERNMENT WHICH NOW HOLDETH BY USURPATION AND VIOLENCE.

We shall first sett downe the occasion of the alteration; nixt, the steps and means whereby they ascended to their height; and, thirdly, their carriages and practices after.

The occasion or irritant cause of the alteration of the Church Government was not, as is alledged by many, the blind Tumult which was raised in Edinburgh upon the 17th of December 1596, as appeareth by the deduction following:—

The beauty of our Kirk, both for purity of doctrine and order of discipline, was become admirable to the best Reformed Kirks. The Assemblyes of the faithfull were never so glorious and comfortable; the Parochinall and Classicall Elderships, Provinciall and Nationall Synods never of greater authority then in the begining of the year 1596; after that the apostat Earles, Angus, Huntly and Arrol, traffiquers with the King of Spain, were excommunicat, and at the procurement of the Kirk and Queen of England were, for their unnaturall conspiracie with the Spaniard, forfaulted and expelled out of the countrey. Yea her chief care was, to search out the sins of the land, abuses, and corruptions, in whatsoever state, calling or judicatory, that they may be repented for and amended, and to advert to the safetie and preservation of religion, and the liberties of the Kirk, which, at this tyme, requyred opposition to the re-entry and restoration of those Earles.

Whereupon, in the Assembly holden in the end of March 1596, were drawne up the corruptions and enormities found in Ministers, their callings and conversations; offences in the King and Queen's House; in Courts and Judgment-Seats, and in persones of all Estates; the catalogue whereof, for brevity, I omitt. Upon Tuesday, the 30th of March, they had an humiliation in the East Kirk of Edinburgh, called the Little Kirke, where were present four hunderth persons, ministers and other commissioners and professors. Within an hour they looked with another countenance nor that wherewith they entered, being moved with Mr John David-

son's exhortations. Such sighs and groans for their sins were not heard at any other fast since the Reformation, for any imminent danger; and tears [were] shed in such aboundance, that the place might justly be called Bochim. They testified their entering in a new league with God, by holding up their hands. If we compare those times with the present, what need have we of humiliation for our fearfull revolting, and many grosse sins which durst not then sett up their head? It was ordained, that the like solemne humiliation for their sins and negligence, with protestation to walk more warrily in their wayes, and more diligently in their charges, be observed in the Synodall Assemblies; and that so many as it shall happen to be absent observe the like at their Presbyteries: but it was not universally put in execution. Their care was nixt to advert that the Kirk be not endangered by the externall enemie. In their greeves to be presented to the King, they humbly meant, that to the grieffe of all good men, the hazard of religion and of the peace of the countrey, the forfaulted Earles enjoy their lands and livings as peaceably, and to their greater advantage than when they were at his Majestie's peace within the countrey; and their confederats and friends, partakers and assisters with them and their treasonable attempts, are suffered to have so great liberty; never having so much as once entered their persons in waird, nor given surety, nor pledges for their good and dutifull behaviour, in caise it shall happen the said rebells, or any other forraigne enemies to repair within the countrey for disquyeting of the estate thereof; as if they had exemption from all lawes to strengthen themselves, for strengthening the hands of the enemies, when they shall happen to arrive, as it appeareth to be their intention, by preparation of forces, and armour, and leagues of friendship, which they are dayly binding up, &c. And commission was likewise given to some brethren of the ministery to assemble themselves, as they should find urgent occasion, to consult, reason and advise upon, and propone articles to the King for preventing of all dangers which in all likelyhood might fall to the state of religion.

The devill, envying the happinesse and laudable proceedings of our Kirk, stirred up both Papists and politicians to disturb her peace and to deface her beauty. The Papists perceaved that there was no rest for them in Scotland, if the authority which the Kirk had, continued. Politicians feared their craft and trade, which is to use indifferently all sorts of men and means to attain to their owne ends, and to sett themselves up in the throne of Christ, should be undone. About this tyme, were appointed by the King and Counsell eight to be Commissioners of the Exchecquer, who, by the people, were called Octavians, viz. Alexander Seaton, President of the Session, Mr John Lindsay of Balcarras, Mr James Elphingstoun, one of the Senators of the Colledge of Justice, after Lord Balmerino, Walter Stewart, Prior of Blantyre, Sir David Carnegie, now Earle of Southesk, Mr John Skeen, Clerk of Register, Mr Thomas Hamilton, the King's Advocate, now Earle of Haddingtoun, Mr Peter Young, the King's Eleemosyner. To these was committed the care of the King's rents, propertie and casualities, because the King was superexpended through the default of those who had the charge in former tymes.

Huntly returneth secretly in the month of June, whereof the King was advertised soon after in July. The Lady Huntly by her moyen, procured a Convention of diverse of the nobility and others, the Earle's speciall favourers, which was holden in Falkland in August. Offer was made in his owne name, and it was concluded that it should be leissum to him to return and remain in the countrey, upon the performance of such conditions as his Majesty should propone to be performed by him; notwithstanding that Master Andrew Melvill, Mr James Melvill, Mr James Nicolson, Mr Patrick Galloway, Mr David Lindsay, and other ministers who were present, protested in the contrair, in respect it could neither stand with the King's credit to propone or hearken to any conditions, till first it were made manifest that he were out of the countrey, as these who suited for him did alledge; nor could it stand with the surety of religion and peace of the country, in respect his apostacie, which was the ground of the excommunication, or his

conspiracie with the Spainiard, the ground of his forfaultour, were not yet acknowledged offences by him. Another Convention was holden at Dumferling in September, wher the conditions wer aggried upon, which were offered to him without consent of the ministery. Erroll returneth the same moneth of September. Diverse of their friends and favourers vaunted that they had procured already his Majestie's protection and peace, past and subscribed in Counsell, and that they looked assuredly for advancement to offices, charge of guards, and lieutenentries as they had befor.

Some of the Commissioners of the Generall Assembly, and some other ministers conveening in Cowper, directed some of their number to Falkland to the King, to wit, Mr Andrew Melvill, Mr James Melvill, Mr James Nicolson and Mr Patrick Galloway, to crave that the dangerous enterprises of the enemies might be prevented. The King seemed offended at their meeting and commission; but Mr Andrew Melvill answered, with great liberty and boldnesse, "Sir, ther ar two Kings and two kingdoms in Scotland; Christ is a King, and the Kirk is his kingdom. You are a subject to Christ and a member of his Church, neither Head nor King. The spirituall office-bearers to whom he hath committed the government of his Church, hath power and warrand to conveen, which you ought not to controll or discharge, but assist. Sir, when you were in your suadling clouts, Christ reigned freely in this land, and in despite of the enemies the office-bearers had their meetings. Their meeting hath been steadable to you, when the enemies were seeking your destruction; and yet, now when ther is such a necessity urging them, you will find fault with their conveening. The wisdome of your Counsell, which is devilish and pernicious, is this: Because the Ministers and Protestants are too strong and control the King, they must be weakened and brought low, by stirring up a partie against them, and then the King being indifferent for both, both shall see to him, and so he shall be well served, grow in grandeur and attain to his purpose. But this wisdome may prove folly, and, in serving both, you shall lose the hearts of both." The King at last settled, and dimitted them pleasantly, promising, that howbeit

the Estates had licenced them to make their offers, they should not be receaved till they wer out of the countrey again, and offer what they wold, they should get no grace at his hand, till they have satisfied the Church. They were suffered, notwithstanding, to remaine and travell with their friends for reconciliation.

The Commissioners of the Generall Assembly and Commissioners from diverse Synods, conveened at Edinburgh upon the 20th of October, as was appointed befor at Cowpar. It was thought expedient, that a number of commissioners be appointed for every quarter of the countrey; of which number one for every quarter shall have ordinarie residence in Edinburgh monthly, by course, to communicat such advertisements as shall be directed from diverse parts of the countrey, and to consult upon the most expedient in every case. Mess. Robert Bruce, Robert Pont, David Lindsay, James Balfour, Patrick Galloway, Walter Balcanquell, ministers within the Presbytrie of Edinburgh, were appointed to conveen alwayes and ordinarily with them. This meeting was called the Counsell of the Kirk. From this Convention likewise were sent to the Presbytries informations of the dangers arising from the returning and remaining of the forfaulted Earles; and for remedies, the ministers were desired to make the professors sensible of the danger, to keep a publick humiliation the first Sabbath of December, to urge an amendment in all estats, beginning at themselves, to intimat solemnly in all their kirks the excommunication of the apostat Earles, to proceed with the censures of the Kirk summarly, upon one citation, against such as intertain any secrecie with them, or take any dealing for them, *quia periclitatur salus ecclesiæ et reipublicæ*. November was appointed to be the first moneth.

Upon the 9th day of November, these who conveened directed Mess. David Lindsay, Patrick Galloway, James Nicolson, and James Melvill to the King, to desire his Majesty to declare what it was that moved him to take so hardly with the ministers, and to propond their greevances. Upon the 11th of November, they report to the brethren the King's answers: That there could be no good agreement betwixt him and the ministers till the marches

of their jurisdiction were redd; that they should not speak of the affairs of State or Counsell in pulpit; that the Generall Assembly should not be conveened but by his authority and speciall command; that Synods, Presbytries, and particular sessions, medle with no causes whereupon his laws strike, but fornication and such like slanders; that he wold be satisfyed touching these and such like heads. As for answer to their greevances, That he had granted nothing to the excommunicat Earles, but that which his Counsell and Estates thought needful for the peace of the realme, and upon condition that they satisfy the Kirk; that the Lady Huntly who was to come to the baptisme of his daughter, was a good discreet lady; Papists may be honest folks; his mother was a Papist, and yet ane honest woman; that the Lady Livingstoun should satisfy the Kirk, or else not come near to his daughter, but he could not refuse to concredit her to the Lord Livingstoune. And that they replyed, That the free rebuik of sin, without respect of persons, was warranted by God's Word; that ministers speak alwayes reverently of his Majesty, but could not spare the enemies, nor deall with any favourable dealling used toward them; that the discipline of our Kirk was established, after many conferences, upon evident grounds of the Word of God, by his Majestie's lawes and Acts of Parliament, and use and practice following; that his Majestie should not have permitted any favour to be granted to the forfaulted Earles, till they had been out of the countrey, and that all these tokens of favour shewed to Papists moved good men to suspect his Majestie; that if the Lady Huntly come to the baptisme, the pulpits could not but sound against it; that the committing of his daughter to the Lady Livingstoun's custody would be esteemed a speciall pledge of his Majestie's favour to Papists.

When the Brethren heard this report, they perceaved clearly that the overthrow of the liberty of Christ's kingdome was intended, and were glade that the King had uttered his mind so plainly. They thought meet that the Presbytries should be advertised, and brethren exhorted to study diligently the grounds of the discipline, and advertised, not to reason upon the articles which shall be sent

to them from the King, till the brethren of the Counsell were advised; for they feared to call in doubt the undoubted Discipline of Christ's Kirk. Here ye may see the alteration of the Discipline was intended befor the 17th of December; and I have heard, that the King had a roll of the names of such ministers as he purposed to preferr to bishopricks before the falling furth of the 17th day.

The same day, the 11th of November, they wer certainly informed, that Mr David Black, minister at St Andrews, was to be charged to compear before the King and his Counsell for some words uttered by him, in some of his sermons in the moneth of October last bypast. The day following, the brethren above named were directed to the King to understand what wer the doubts and questions his Majesty said, he had to propone touching the bounding of the office and calling of the ministery; and to advertise his Majesty that it was hardly taken, that the ministers of God's Word should be charged and troubled upon calumnies and triffling delations, when, in the meantyme, the enemies of the truth were favoured and overseen.

They reported, the 15th day, that they had gotten no good answer, because his owne minister, Mr Patrick Galloway, had said to him in privat conference, that the Kirk gott but fair words and promises without effect, but the enemies got the deeds. Yet the same brethren, Mr Patrick excepted, were directed again to insist earnestly upon this point, That the common enemy be taken order with, befor any controversie be intended against the Kirk or any of the brethren; otherwayes, to let him understand that all the world wold say, Nothing was intended but to benefite the enemy and to trouble the Kirk. The King answered, He thought not much of that matter, only let Mr David compear, and, if he be innocent, purge himselfe in judgment; but take heed ye decline not my judicatorie; for if you do so, it will be worse. The brethren, notwithstanding, conveening upon the 17th day, perceaving the drift of the King and Counsell was, by this preparative, to draw ministers' doctrine under their censure and controlment; and, remembering that sundry declinatures of this nature, given in be-

for by good brethren, were forgotten or denyed, because they were only verball, resolved upon a declinature in writ, fortified by good reason, and to be subscribed by themselves with Mr David, because the cause was common. Mr David compeared, and gave in his declinature upon the 18th day. Upon the 20th day it was thought needfull that a coppie of the declinature be sent to every Presbitrie, to be subscribed by all their members, together with a letter, requesting them to return it subscribed befor the first of December, or, with all possible diligence, with any of their most wise and faithfull brethren, who were able to assist them in so weighty matters, and withall desiring every one to study diligently this question, and the whole pointes of the discipline; for certainly Satan was to make an onsett on this hedge of the Lord's vineyard, that he may thereafter destroy and waste the plants thereof at his pleasur. Diligence was used in gathering subscriptions, so that in short space the hands of about four hunder were put to it. None so diligent as Spotswood, now Bishop of St Andrews, howbeit even then he revealled to the King all their counsells and proceedings, either by himselfe or by a courtier with whom he was familiar. He was the only suspected or known Judas among the ministery at that time. Ther were some others like Hazael, that understood not their own hollow hearts till time discovered them.

Upon the 24th of November the Commissioners of the Generall Assemblie, being for the most part present, and informed that they were to be charged to depart off the towne, with advise of the Counsell of the brethren, resolved, seeing they were conveened by warrant from Christ and his Kirk, in so dangerous a time, to see that the Kirk receaved no detriment, to stay, notwithstanding of any charge, so long as it should be found expedient. Yet it was thought expedient to direct Mr David Lindsay, Mr Robert Rollock, and Mr James Melvill, to the King, to show him what great inconveniences might ensue, he entering in hard dealling with the Kirk, and dischargeing the Commissioners of the Generall Assemblie; to beseech him to desist from all persute of Mr David Black, and all controversies arising thereby till order were taken with the

common enemy, and a Generall Assembly convocat for deciding of all controversies, and answering to all his greeves and questions; and to move him to consider the danger wherein the countrey standeth, by Papists banding themselves togither, associating to themselves diverse clannes, preparing armor and horse, &c. They reported the day following his answer, That he was sorry that matters should have so fallen out betwixt him and the Commissioners; yet if they would passe from the declinature, at least make a declaration that it was not generall, but particular, and used in that cause of Mr David Black, being a cause of slander pertaining of right to the Kirk, he wold passe from the summonds, and all persute of Mr David. Whereupon diverse formes of a declaration were devised, but [they] could not find one which they thought wold content the King. In end, they condescended upon this offer, that if his Majesty wold passe from the summonds of Mr David Black, and sett downe an act of reference of all persute of the said Mr David, and cease from charging of ministers for their preaching, till a lawfull Generall Assembly were convocat, they, on the other part, would take up the declinature, and cease to use the same till the said Assembly. The brethren directed to the King report, upon the 27th day, how they had spent much tyme in reasoning with his Majestie, but could not aggrie, unlesse the Commissioners wold passe from the declinature, and cause Mr David Black answer and acknowledge their judicatory; but they wold not undertake it.

Upon the same day, the 27th of November, Mr David Black was of new summoned with proclamation and sound of trumpet, at the crosse, for speeches uttered by him in his sermons, within these three years last bypast. Because that sometymes barons and others satt with the ministers, all the leidges were discharged likewise by proclamation to assemble themselves at the desire of the ministers, Presbytries, or other ecclesiasticall judgments, under pretence of assisting them in their defence, being accused of any cause, crime, or offence, or when they repair to any judgment seat, or otherwise, without his Majestie's licence. Ther wer also letters

given furth, upon an act of Secret Counsell, chargeing the Commissioners of the Generall Assembly to depart out of the towne within the space of twenty-four hours after the charge, and dischargeing them to conveen any where else. The Commissioners conveen immediately after, and laid the proclamation open befor the Lord, the judge and revenger of such odious imputations as they wer burthened with, in these proclamations, and the charge and usurpation of supream authority over the Kirk. They ordained such as were to occupy the pulpits to deall mightily, by the Word, against the said proclamation and charge, and to use such arguments as might flow from such grounds as they laid downe to them.

Upon the 29th of November they resolve to give in some articles to the King, and Counsell, the day following, which was the dyet of Mr David's compearance; wherin they clear themselves of those odious imputations, and crave action to be stayed till a lawfull Generall Assembly should be convocat. They thought it also expedient, in respect of the new libelled summonds, a new declinature be formed and used by Mr David in his owne name, and in name of the rest of the ministery.

Upon the 30th day, the hour approaching, the Commissioners appointed Mr Robert Bruce, Mr Robert Pont, Mr Robert Rollock, Mr David Lindsay, and Mr Patrick Galloway, to present their articles and to assist Mr David in his action. The rest were exercised in the meantyme, till their returne, in confessing their sins, which had procured such trouble, that with penitent hearts and earnest motion of the spirit, they might now pour out their prayers to the Lord. The brethren returning about half hour to one, reported that some had entered in communing with them, and had condescended upon some grounds of agriement; that the Commissioners for the King's part wer to travell with his Majestie against afternoon, and they wer to travell with the Commissioners. One of the grounds whereupon they condescended was, that they should take up their declinature, and the Counsell their summonds, and use a form of protestation. Afternoon, seeing no appearance of agriement, and the Counsell sitten down, the second declinature

was given in, wherein Mr David adhered to the first, and fortified it with moe reasons. The articles above mentioned were also presented. Mr David was wonderfully assisted with courage, wisdome and utterance, and also the brethren who were appointed to assist him, namely, Mr Robert Bruce. The King and Counsell, notwithstanding, past to the interloquitor, and found themselves Judges, competent to all the parts of the libell except one, which concerned the religion of England; so scrupulous were they to medle with matters spirituall and ecclesiasticall. The brethren after their return to the rest, who were excercised in the meantime as before noon, reported what had past. It was thought meet that the doctrine be directed against the interloquitor, as a strong and mighty hold sett up against the freedome of the Gospell, and to give thanks to God for the unity of spirit among themselves.

Immediately after the dissolving, the Treasurer and Provest of Edinburgh craved conference with Mr Robert Bruce and Mr Robert Rollock, Mr James Nicolsone, and Mr James Melvill. They report, that his Majesty, notwithstanding of the interloquitor, meant no extremity against Mr David; but for entertaining of peace with the Kirk, he wold pardon him, providing they wold bring him downe to his Majestie, and cause him declare the truth in all the points libelled. After deliberation, they answered, If it were Mr David's owne particular or hurt that were in question, or danger, or of any other of the brethren, his Majestie's offer wer thankfully to be accepted; but it was the liberty of the Gospell which was greevously wounded in the discipline thereof, by the proclamations made upon Saturday last, and now in preaching of the Word, by usurping the judicatory therof; that if the King had taken his life, and of a dusson [dozen] moe, he wold not have wounded the hearts of the brethren and people more deeply, nor have done such injury to Christ. They could no wayes be content unlesse these things were retreated and amended, but wold oppone to such proceedings with the extreame hazard of their lives. The messengers taking up the weight of the matter were much moved, and returned to the King with their answer.

The day following a gentleman of the King's Chamber came timously to one of the brethren, and desired the bent of the doctrine might be stayed that day, not doubting but his Majesty wold satisfie them. It was answered, The edge of the doctrine could not be blunted without evident appearance of amendment of wrongs; yet he went downe to the King accompanied with another brother, who returned and reported his Majestie's mind and offers, to declare his meaning concerning the two proclamations and the interloquitor. The brethren rejoiced not a little; sett downe his offers and mind in writ, amending some points; and sett downe the articles and grounds of agreement, that his Majesty might see if they wer agreeable to his meaning. The brethren who were directed found him well content with the articles in effect. He said, he wold agree to the abolishing of those two acts which wer proclamed, and not suffer them to be imbooked. Farder, of his owne accord, [he] offered to writ to the Presbytries, and to satisfie them concerning the interloquitor, receaving from them a band of dutifullnesse in their doctrine, on the other part. As for Mr David Black, let him come downe and declare his conscience concerning the libell befor Mr David Lindsay, Mr James Nicolson, and Mr Thomas Buchanan, and thereafter he should be content to do what they thought meet. When they went downe after noon with Mr David they found the King changed. He directed Mr David Lindsay to crave of Mr David Black, that he wold compear befor the Counsell, and there confesse an offence done to the Queen at least, and so receave pardon. Mr David refused allutterly, lest so doing, he should seem to acknowledge them judges of his sermons, or to approve their proceedings to be lawfull; [they] having summoned and admitted ignorant and partially affected persons, lying under the dangers of the censures of the Kirk, at his procurement, to be witnesses, notwithstanding of most ample testimonialls of Provest, Baillies, Counsell, Session of the Kirk, the Rector, Dean of Facultie, Principalls of the Colledge, Regents, and whole Members of the University, his dayly auditors, wer produced for him, but rejected; but if it wold please his Majestie

and the Counsell to remitt him to his lawfull and ordinary judge, the Ecclesiasticall Senat, he should depone the truth willing in every point, and underly their censure or ordinance, if found guilty. The King went to Counsell: Mr David not compearing, the depositions of the witnesses wer read, the points of the lybell found proven, and the punishment referred to the King. The acts above mentioned, the interloquitor and whole processe were registrat.

The doctrine sounding after the old manner, the King craved conference again with the same brethren. After long reasoning, they returned to the articles and grounds of agriement, and ther wer produced a forme of declaration upon the proclamation; a declaration anent the charge; and a missive to the Presbytrie of Edinburgh anent the interloquitor. These brethren, after they had caused diverse things to be amended, receaved them to be communicat with the Commissioners, and other brethren awaiting upon their returning. The formes and declarations, being considered by the Commissioners and Counsell [of] the brethren, were not found sufficient to repair the injuries done, but rather ratified the same. Other formes and declarations wer devised, and the missive to the Presbytrie of Edinburgh, as also their act of dutifull obedience. Sundry conferences past betwixt the King, or some Councillors, and the three brethren above named, but without successe: for upon Wednesday, the 8th of December, the three above named reported to a frequent assembly of brethren come from diverse provinces, joining with the Commissioners, 1. That, anent the forme of a letter sett downe by the brethren which his Majestie should send to the Presbytries, his Majesty, in presence of the Counsell, refused to accept it, because it imported an indirect annulling of the interloquitor. 2. Anent the act of the Presbytery of Edinburgh, it was not thought sufficient; because it contained not a simple band of not speaking against his Majestie and Counsell, but limited with certain conditions which wold ever come in question, and turn again to the controversie of the judicatory. 3. The formes of proclamations penned by the brethren were refused, because they imported

a plain retreating of the former proclamation and acknowledging of an offence. 4. Touching Mr David Black, his Majesty would nowayes passe from the interloquitor pronounced in his cause, nor suspend execution of the same till a Generall Assembly; but, the punishment being in his will, he wold declare it in private to the brethren, which was transportation or suspension for a space. But that they answered, They could not agree to that, for the reasons above rehearsed. That in end his Majestie craved to be resolved [of the truth] of certain speeches uttered by him; to wit, "that the treachery of his heart was disclosed, and that all Kings were the devil's bairns;" that Mr David should choose seven or eight of twenty or twenty-five of his auditors, indifferent men, whose names shall be given him, that by their deposition, he may be resolved; but that Mr David in the mean desist from preaching. That they answered, They had no commission but to urge the acceptation of the formes which the brethren had devised, but they should report the answers to their brethren.

Upon the 9th of December, after the report of the thrie brethren was heard, the Commissioners and the rest of the brethren, perceaving that ther was nothing but driveing off time, and the common enemies, in the mean time, to compasse their intentions, thought it no wayes expedient to use any further communeing, but to direct some to his Majestie, to let him know how they had humblie sought redresse of the wrongs done to Christ and his kingdom of late by that charge, proclamation, interloquitor and processe against one of their most faithful brethren; how they had been most willing to have condescended to any conditions of peace and agreement, till the wounds which Christ's kingdom had receaved might have been throughly cured, to the intent both his forces* and the Kirk's authority might be sett against the common enemies; but seeing they were disappointed, that they were free of what should ensue; but faithfull pastors could not, without treason against their spirituall King, abstain from fighting against such proceedings with that

* That is, His Majesty's forces.

spiritual armour which was given them, potent in God for overthrowing these bulworks and mounts erected for the sacking of the Lord's Jerusalem.

Upon the 10th of December, Mr David is charged to passe, within six dayes, north, and to remain be-north the north water till his Majesty declared his will, under the pain of rebellion and putting of him to the horne.

Upon the 11th of December, the Commissioners were certainly informed that ther was a great number of missives written, and ready to be directed through the countrey for calling a Convention of the Estates and of a Generall Assembly, the tenor whereof followes:

"WE GREET YOU WELL,

As We have ever carryed a specialle good will to the effectuating the Policie of the Kirk, whereanent We have oftentimes had conference with the pastors and ministerie; so We and they, both resolving now in end that the whole Order of the said Policie shall be particularly condescended and agreed upon, for avoiding sundry questions and controversies that may fall out thereanent, to the slander and danger of religion, We have for that effect appointed as weell a Generall Convention of our Estates, as a Generall Assembly of the ministery, to hold here in Edinburgh upon the 5th day of February nixt to come, to treat and resolve anent all questions standing in controversie or difference between the Civil and Ecclesiasticall judgment *, or any ways concerning the policy and externall government of the Church. And therfor will We effectually desire and request you that ye faill not, all excuses sett apart, to be present at our Convention the day and place foresaid precisely, to give your best advise and opinion of that matter, as ye tender the effectuating thereof, the weell of religion and estate, and will show yourselfe our dutifull and well affected subjects. Swa we committ you to God's protection. From Halyrudhous, the day of December 1596."

* Here, and also near the foot of page 73, the word "judgment" is evidently a mistake for "judicature," or "jurisdiction."

Here the reader may more clearly perceave that ane alteration of the established government was intended befor the 17th day of December, and that not only the marches of the jurisdiction, Civill and Ecclesiasticall, were sought to be ridd, but the order of the Policie and Church government was to be called in question. Howbeit, afterward, nothing was pretended but the restraint of free application of doctrine, and ministers' vote in Parliament to vindicat them from poverty and contempt, because otherwayes strong opposition was feared.

Upon the 14th day of December the Commissioners of the Generall Assembly exhorted the ministers of the Presbytrie of Edinburgh, as they wold answer to God and his Kirk, in so necessary and dangerous a time, to call befor them such persons of highest rank as are known or may be found to be malicious enemies, and to proceed against them to excommunication.

The same day, the charge given out befor against the Commissioners of the Generall Assembly was proclaimed with sound of trumpet, and put in execution. After advisement, they thought it lawfull to them to disobey such an unlawful charge, but not expedient, and needlesse, seeing after their departure out of the towne, others might succeed and so the work might proceed; and so resolved to depart, committing the cause to God, and the diligent care of the Presbyterie of Edinburgh. But fearing that the heavy tentation of poverty might prevaill with the weaker sort, and draw them on to subscrive a band which might captiously import the King and Counsell's power to judge of ministers' doctrine; because the King had professed the day befor, that such as would not subscribe should want their stipends; they thought it requisit to send to every Presbytrie a declaration of their proceeding, and with the declaration their letter. The minuts of their proceedings I have already sett downe. In their declaration, they writ plainly, that they were insisting with his Majesty to kythe in action against the forfaulted Earles; [that] he was induced to convert his whole actions against the ministrie with greater intention than he could be moved against the adversaries this long tyme, that so they might be driven to desist from

prosecuting of their sute against the Papists, and to employ themselves wholly in defence of the freedom of preaching and discipline; that the restraint of the freedom of the spirit in the rebuke of sin, was the principall butt aimed at in this whole action; because the mysterie of iniquitie which hath been intended, begun, and is going forward, (whether the purpose be to thrall the Gospell by injunctions, or by a policie equivalent to injunctions, or to bring in liberty of conscience, or, if it draw deeper, in Papistrie, which is to be feared for many reasons, and will be revealled in the owne time), being such as cannot abyd the light of reprehension, the only advantage of their cause is thought to stand in extinguishing the light, which might discover the unlawfullnesse thereof, that so they passe forward in darknesse without all challenge, till the truth wer overthrowne. And because that impietie dare not yet be so impudent to crave, in expresse termes, that sin be not rebuked, it is sought only, that his Majesty and Counsell be acknowledged judges in matters civil and criminall, treasonable and seditious, which shall be found uttered by any minister in his doctrine, thinking to draw the rebuke of sin in King, Counsell, or their proceedings, under the name of one of these crymes, and, that way, either to restrain the liberty of preaching, or to punish it under the name of some vice by a pretence of law and justice; and so, be time, to bind the Word of God, that sin may go forward with lifted up hands to the highest.

Ye see then what was the controversie betwixt the King and the Councill, and the Ministery. The King wold have the Ministers to hear the offers by the forfaulted Earles, that they might be reconciled to the Kirk. The ministers urge, on the other side, that they be removed out of the countrey again, and that he do the duty of a magistrat, as becometh him, for their treasonable conspiracie; the pardon whereof he confessed in the begining was above his reach. Their offers imported conference, but no conversion or acknowledgment of any offence; nor were [they] made in sincerity, as the event proved. This could not be obtained: therfor the pulpits sound against such as favour them, as become faithfull watchmen to discharge

their dutie in so dangerous a tyme. Publict rebuke of publict and crying sins was thereupon called in question, and the established discipline; and so they were driven from the offensive to the defensive part. The ministrie craved but only the tryall of ministers in the first instance, for application of doctrine to the rebuke of corruptions and public offences, as they ought to have by the Word of God, and practises in former tymes. But it was refused. What sins did reigne in the land, the catalogue drawn up in the last Assembly can bear witnesse: A flood of bloodshed overflowing the land, and deadly feuds arising thereupon; adulteries; incests; unlawfull marriages and devorcements, allowed in judgment; oppression; blasphemie; universall neglect of justice, both in civil and criminall causes; remissions for blood, adulteries, incests; no execution against the adherents of the detected enemies, nor the enemies themselves, by imploying their livings for resisting of the Spaniard, or other forreigne enemies, whose invasion was feared; at the same time, the odious murther at Dunibirsle not punished, &c. Had they not reason then to blow the trumpet, and forewarn the people of God's judgments? And now, when the chief enemyes, forfaulted for an unnaturall conspiracie, were suffered to returne and remain in the countrey, with licence, had they not reason to fear danger to religion, and to insist, as they did? Were [it] not for the free rebuke of sin and free exercise of discipline, what had been the case either of Kirk or Commonwealth? The wyld bordermen stood in greater awe of the Presbyteries excommunication nor of letters of horning. I know a nobleman confessed, that he was more affrayed for the Presbytrie's officer nor the officer of armes.

Therfor, upon the 16th day, he [the King] sent for the four ministers of Edinburgh. But Mr Robert Bruce refused to enter in any farther communing, till the Commissioners of the Generall Assembly were recalled by as publict and honest a proclamation, as it was unhonest and calumnious, (so he called it,) whereby they were charged to depart. The Secretar, after advisement with the President, promised it should be so.

While they were thus under communing, ther was an intention

to charge twenty-four of the most zealous professors, burgesses of Edinburgh, to depart out of the tówne, specially such as did watch in the night for the safetie of their pastors. For some of the Cubiculars, envying the Octavians, who had gotten the manageing of the King's rents, whereby they were disappointed of great pensions, advertised the ministers to be upon their guard night and day; and, on the other side, gave the like advertisment to the chief of the Octavians to keep their gates shutt: And so oyl was cast upon the flame which was already kindled. The chief Octavians wer President Seaton, Sir James Elphingstoune, Mr Thomas Hamilton, the King's Advocat, and Secretar Lindsay. The chief Cubiculars were Sir George Home, after Earle of Dunbar, Sir Patrick Murray, and his brother David Murray, afterwards Lord Scoone, both brethren of the house of Balvard.

Upon the 17th day of December the charge was execute upon one of the twenty-four. Mr Walter Balcanquell, being advertised befor he went to the pulpit, laid forth befor the people the whole proceedings betwixt the King, and the Octavians, and them; and, according to the warrant he had of the Kirk, he requested the barons and gentlemen who wer present, and others weell affected, to conveen in the Little Kirk, and to consult how the imminent danger to religion may be averted. After they were conveened, Mr Robert Bruce had ane exhortation, and laid forth the present dangers; and, thereupon, desired those who were present to hold up their hands, and swear to the defence of religion which was then presently professed. Thereafter, they directed two noblemen, Lords Lindsay and Forbesse, two barons, Barganie and Blairwhan, two of the towne baillies, to the King, with certain articles, for redressing of wrongs done to the Kirk, and preventing of imminent dangers. Mr Robert Bruce was desired to accompany them, and propone the matter. Hearing that the King was come up to the Tolbooth, they went to him and found him in the Upper house. "Sir," said Mr Robert, "The barons, gentlemen, and brethren presently conveened, apprehending the danger imminent to religion by hard dealling against the ministry, and zealous professors, have directed

some of their number to your Majesty." "What appearance is there of danger," said the King? "The burgesses best affected to religion," said Mr Robert, "are under communing, charged to depart out of the towne; the Lady Huntly is intertained at Court; and ther is vehement suspicion that her husband is near at hand." "But what have ye to do with that?" answered the King, and with that parteth from him, drawen, as appeared, by the President and others who wer about him. They returne to the rest, who were in the meantime exercised in hearing the Word read, and reported thus: "We went to his Majestie as ye desired us, but wer not well accepted, nor our greivances receaved, and so ye have to consider what is next to be done." It was thought meet to reserve their greivances to a better tyme, and, in the meantime, to knitt up a covenant with the Lord, to stand to their profession and defence of the good cause, to their last breath; whereunto all agreed, and testifyed their agreement by holding up their hands. Ther was a great applause of the multitude which was present. Mr Robert Bruce required silence, and to behave themselves quietly, for the reguard they had to the cause. While they were proceeding, a cry cometh from the streets to the Kirk door, with these words: "Save yourselves, ther is a tumult in the gate." Another cry went through the streets, with these words: "Armour! armour!" I heard a nobleman, a counsellour, affirme, that it was one suborned by the Cubiculars who came to the door, and after went to the streets, and raised the cry; but who it was, it is not yet knowne. The people in the Kirk, apprehending that there was a fight among parties, leap to the streets. The greater number of burgesses, being at home in their houses, sent out to enquyr what the matter meant. They heard that their ministers were invaded, and the cry went through the streets, that their ministers were slaine; whereupon they run to the street in armes. The barons and gentlemen who were in the Kirk accompanied Mr Robert Bruce to his lodging, and after went to their owne, purposing to return to the kirk-yard; for they feared also the ministers invasion. The rest of the ministers went to the streets to try; the barons and minis-

ters return to the church-yard, call for Mr Robert Bruce, and report to him, that there was a great disorder among the people through a false alarme, and no man could perceave what was the ground of the fray. They all lament the case, send for some of the magistrats, and desired them to pacifie the people, running some one way, and some another; some to the Kirk, thinking their ministers were invaded or slaine; some to the Tolbooth door, thinking the King had been slaine; then two or three cryed at the Tolbooth door, which was shutt, for three of the Octavians, that they might take order with them; another cryed, "The sword of the Lord and of Gideon." The King sent likewise a charge to the Provest and Baillies to stay the tumult. The people, at the command of the magistrats, went home to their owne houses, and put off their armour. In the meanwhile, the magistrats were doing their office. The King sent down the Earle of Marr and the Lord Holyroodhouse, to the barrons and ministers conveened in the church-yard, with many fair and plausible speeches; but some hot speeches past betwixt my Lord Lindsay and the Earle of Marr. The barrons and ministers went into the Little Kirk again, satt downe, and directed the same Commissioners, for the most part, who were directed befor, to shew his Majesty, that they were greived at their heart for the tumult, and to beseech him to provide some remedy for the present evills. The King seemed to be well-pleased, willed them to sett downe their petitions in writ to the Counsell, and promised a reasonable answer. Soon after, the Lairds of Cesfurd, Traquair, and Collonell Stewart, wer sent to them to put them in expectation that all should go well. Whereupon they dissolved with publict thanksgiving to God for his gracious providence, disposing such an accident after such a manner, that no man had receaved harme, and that the people retired so peaceably to their houses, at the voice of the magistrats. My Lord Forbesse, Barganie, Blairwhan, and Faudownside, were directed with thir articles; to wit, requests that such Octavians be removed as favoured the excommunicat Earles, and wer authors of all the present troubles in the Kirk; that the excommunicat Earles be commanded to depart out

of the countrey, befor any of their offers be heard; that the Commissioners of the Generall Assembly be recalled by publict proclamation.

The Commissioners when they came to the outer court of the Pallace, hearing that the King was in a rage for the dishonour done to him (as he apprehended) that day, separated themselves, and left their commission undischarged.

The King went the day following to Linlithgow. All that wer not ordinarie inhabitants in Edinburgh wer commanded to depart out of the towne. The members of the Session were warned to be ready for removall, and to sitt where they should be advertised, at the nixt proclamation. The magistrats were commanded to search and apprehend the authors of that heinous attempt. Some of the citizens wer committed to sundry wairds. The ministers of Edinburgh were commanded to enter in the castle of Edinburgh, because the King's wrath was kindled hottest against them, and the chief Octavians might use them at their pleasur. After advice with some others of the ministers, they thought it expedient to withdraw themselves till the present fury were mitigat. But for all the diligent examination which was made for many dayes, no ground could be found of any conspiracie against the King, or any other; only after the tumult was raised, one or two cryed to have some of the Octavians, abusers of the King, to take order with them, for which words they were fined. If ther had been any intention to do harm to any man, what could have hindered them to have put their purpose in execution? There was no partie in readiness able to withstand them.

Ye see then, the Tumult upon the 17th day of December was no just cause to move the King to alter the government of our Kirk, nor to wrong the whole Kirk for the fact of one particular kirk; howbeit their fact had been grounded upon bad intentions. Nor is it leissum to Kings to thrust Christ's government to the door for the faults of men, and bring in what formes they please. But as ther was no just occasion given, so that tumult cannot serve so much as for a pretence, seeing, as I have already discovered in the

preceeding discourse, the alteration was intended befor the 17th of December.

Upon the 20th of December, Mr Patrick Galloway was sent for to come to Linlithgow, but was not suffered to come near the King. The King sent to him a coppie of the band, whereof we made mention befor, to be subscribed, which other ministers were also to be urged to subscribe, under the pain of losse of their stipends. But he, and others after him, refused for many reasons.

The Questions, whereof mention hath been made befor, came to light in print soon after, fifty-five in number; and the Convention of the Estates and Ministery wer appointed to be holden at Perth, upon the 29th of February, for consulting upon and determining the spirituall jurisdiction of the Kirk, as well in application of doctrine, as her whole policie; yet in all the Questions, the maine point of the policie, to wit, the superiority of bishops, was concealled, howbeit chiefly aimed at.

The Synod of Fife, holden at Cowper upon the 8th of February, ordained every Presbytrie within their bounds, to direct two of their number to meet at St Andrews, the 21st of February, to conferr and resolve with common consent upon the most solid answers to these questions. For strengthening of the brethren, they directed also some brethren to travell with the King for deserting of that Convention which was to be holden at Perth, or at least for continuation till the ordinar Assembly, which was to be holden in Aprile; and to shew to him that no Presbytrie hath power to give commission to any of their brethren to call in question, or put in doubt the determinations and conclusions of the Generall Assembly: as also to request his Majestie to relax the ministers of Edinburgh from the horne, and restore Mr David Black to his owne place. They sett downe instructions and limitations for the Commissioners, which wer to be sent from their Presbytries to Perth, in case the dyet were keept. The Presbytrie of Edinburgh, and other Presbytries did the like.

The brethren appointed by the Synod of Fife mett at St An-

drews, and resolved upon answers to the Questions. Others also took pains, and among the rest Mr Patrick Galloway.

The brethren of the ministrie repaired to Perth upon the 29th of February, but moe out of the North than wer wont to be seen at any Generall Assembly. Great pains were taken by courtiers and craftie politicians to divide them in factions. They complain to the ministers be-north Tay, that the ministers of the South wer severe, undiscreet, arrogant, and usurped the government of the whole; commended the ministers of the North for men of better disposition and greater discretion; and doubted not, if they wer acquanted with his Majestie, they should see, in short tyme, all matters brought to a good point. Sir Patrick Murray, the diligent apostle of the North, made their acquaintance with the King. They got accesse late at night and timously in the morning. The chief of these laboured upon others that came from the North. In end, they began to look bigg on their brethren; found fault with the ministers of the South, specially the "Popes of Edinburgh," that they had not handled matters well, that they had almost lost the King. Yet the sincerer sort of the ministery, howbeit grieved at such speeches, stood to their instructions, both privately and publictly, in such sort, that the holding of the Assembly was delayed for two or three dayes. In end, Mr James Nicolson is brought by Sir Patrick Murray to the King. After conference till midnight, when he was to ly downe beside Mr James Melvill, his bedfellow, he repeated some of the King's speeches, mixed with threatnings and insinuations. "I perceave," said he, "the King will wraik both himselfe and the Kirk, unlesse our matters be better looked unto, and that we yeeld so farr as we may, rather than lose all." Mr James perceaving him to be farr changed, ansuered, He saw no better resolution, than as they had done in former tymes, to seek to God by prayer, and to discharge their duty faithfully, committing the event to God, to whom the cause belongeth. As for himself, by the grace of God, he should never yeeld to any thing contrary to the Word of God, and to that which we had sufficiently warranted by the Word, and professed so long with such comfortable fruit. "If we passe,"

said he, " especially at this tyme from the least point, it will shake us loose, disarme us of the trust we have in the equity of our cause, and break that unity whereby we have stood so strong to this hour."

At length the ministers wer urged by Sir Patrick Murray, in the King's name, to resolve whether they wold hold Assembly or not. Mr Peter Blackburne, minister at Aberdeen, maintained that they might; Mr James Melvill that they could not. The brethren, for the most part, inclined to Mr James Melville's opinion; but, by the persuasive speeches used by Mr James Nicolson, and the King's authority joined withal, some were induced to assent. Commissioners from eight Presbyteries voted that meeting could not be holden for a Generall Assembly. The Commissioners from the Presbytries of Fife protested plainly that they disassented from that forme of proceeding, or whatsoever should be concluded in that pretended Assembly. Commissioners from eleven Presbyteries allowed it for an extraordinary Generall Assembly. Upon this point began the renting of the ministery. Such as were sett to satisfie the King in matters to be proponed, will have it to be an Assembly extraordinar; because, otherwise they could not have power to conclude or make any acts, or do any thing in prejudice of the established discipline, or acts of former Assemblies. The other sort acknowledged the meeting to be lawfull, and that they come for obedience to his Majestie, to hear what his Majesty wold propone, and answer in form, as they saw expedient, but not as having the power of a Generall Assembly, but rather to remitt the finall answer to the Assembly. It was a meeting of the ministry only upon the King's missives sent to them. Others than ministers ought to be members of a Generall Assembly, according to the acts and practice of our Kirk. And whereas the Moderator of the last General Assembly used to begin with his exhortation and prayer, befor a new Moderator were chosen, here Mr David Lindsay, minister at Leith, a man that was gratious to the Court, by the instigation of the Court, intruded himselfe in the office of Moderator without election,

wherupon proceeded disorder and confusion. The Clerk was not chosen, and taken sworn according to the order. It is not then sufficient to prove it a Generall Assembly, because a number at that meeting—few moe than the disassenters—arrogated that power and authority; but the nature of the meeting must be tryed by the acts and order of the Kirk.

The King's Commissioners craved the decision of thirteen articles only, for the present remitting the decision of a great number of the printed questions to a better opportunity. Some brethren wer appointed to conferr upon the thirteen articles, and to report their overture and advice to the Assembly. Their advice was approved, but after altered, through pretended haste, and otherwayes conceaved and sett downe in the Register. No reasoning was had in publict. So the application of doctrine to the publict rebuke of sin was restrained. No minister shall be chosen to any principall town without his Majestie's consent. Some were appointed to treat upon the rest of the questions, and to report their advice to the nixt Assembly. The tyme and place of conveening was referred to the King. Commission was given to the Presbytrie of Murray and Aberdeen, with concurrence of some brethren nominat to that effect, to insist with the Earl of Huntly, and to report his answers to the conditions and articles which wer given them in commission for his tryall. The like course was taken for Angus and Erroll. These to whom the commission was given, were the men that favoured the Earles most. Notwithstanding, they knew ther was no sincerity in their dealling, and so the event proved. It was a great mercy of God that no mor evil was done, if we consider the carriage of matters at that meeting. Mr Robert Bruce had withdrawn himself befor out of the countrey. Mr Andrew Melvill was detained by the choosing of the Rector of the University of St Andrews, which fell forth at that tyme, and apparently was foreseen by them. Mr James Melville was present; but when he perceaved the beginnings of a dangerous defection, and understanding that sundry were directed from the King to deall with him, and to bring him to him, [he] withdrew himself secretly. Mr

Thomas Buchanan acted his part honestly, when the King sent for the ministrie to repair to the place, where he and the Estates were conveened to reason upon the articles, but fell off befor the nixt Assembly. Howbeit, the ministrie repaired to the place, where the King and Estates are conveened, at the King's desire, to conferr with them upon the articles; yet they refused to make one Assembly with them, or to submitt any matter ecclesiasticall, either concerning doctrine or discipline, to their judicature, but returned to the place of their owne meeting, to reason and resolve upon all points; and yet ther was no reasoning in publick, but only among those who wer appointed to go apart and advise upon them.

This Assembly, if I might so call it, and the Assemblies following, were farr different from the preceeding Assemblies. Befor, the spirituall office-bearers appointed tyme and place of meeting; after, they wer appointed when and wher it pleased the King. 2. Before, they wer directed by the Word; after, by the King's letters, commissions, or speeches. 3. Before, matters wer proponed in simplicity of heart, and brethren wer directed to seek light out of the Word by conference, meditation, and prayer: courses after wer plotted first in the King's Cabinet; and accordingly all means used for execution, and impediments removed. Every man is observed, and either commended or censured: this man is the King's man, an honest man, a discreet minister, a peaceable man; he goeth this way: that man is seditious, brain sick, factious; he reasoneth in the contrar. 4. Before, matters were discussed at length pleasantly, without controlment, and the whole number acquiesced; now, if a man that standeth for the truth insist and cannot be stifled, with a frivolous *distinguo*, the King himselfe, when he is present, must fall upon him, bear him downe, and put him to silence. 5. Before, the common ame at God's glory and the weell of the kirk, the presence of such as were learned, zealous, holy, powerfull preachers, procured good order and reverence to the Assembly; now, the Prince's presence or purpose is only reguarded: an honest man is taunted or mocked either by gesture or speech. 6. Men of best gifts befor, had free accesse, and their

gifts wer imployed; but now, plotts are laid, how none shall have place but such as will serve to their purpose. 7. [Before,] matters wer put in deliberation, and to voting freely and indifferently; now, nothing is suffered to be agitat in publick, but that which the King's men are sure to carry away with plurality of voices; and to this end the catalogue of the Commissioners' names must be viewed, that they may know who will vote with them, and who against them; and when the roll is called the wonted order is not observed, but, as at this last Assembly, such are first called as favour their course. In a word, the advancement of Christ's kingdome was sought before; now, the cheefe care is to frame and conforme the policie of the Kirk to the estate of a free Monarch, and to advance his supreme and absolute power in all causes. We shall have occasion to point at more in particular afterward.

Howbeit the ordinary Generall Assembly was to be holden in the next month of Aprile, yet the King wold not delay this meeting at Perth in March preceeding. Upon the 27th of April following, Mr Robert Pont, Moderator of the last ordinare Generall Assembly, and some few Commissioners out of Lothian, Strathern, Stirlingshire and Fife, repaired to St Andrews to keep the dyet appointed by the last Generall Assembly, expecting far moe brethren, but were disappointed, because of the late meeting at Perth, and another dyet appointed by them. After incalling upon the name of God, and humble confession of their sins, which had procured that desolation, votes and documents of protestation were taken for the liberty of the Kirk. All summonds, references, appellations, were continued till May, the tyme appointed by the meeting at Perth for the nixt Assembly. So the bitter effects of the late and yet recent rent soon appeared.

The Ministers of Edinburgh, offering themselves to underly tryall for the 17th of December, were relaxed from the horne. Their innocency was tryed in the tryall and examination of others. Mr David Black is suffered to return out of his confynement in Angus to St Andrews. This shew of calmnesse made many the more secure, when in the mean time plotts were inlaying.

The Generall Assembly was holden in May after, 1597, at Dundee. After that the Assembly was lawfully fenced by the doctrine of the last Assembly's Moderator, Mr Robert Pont, the Commissioners from Presbytries wer wearied with attending upon Mr Rollock's coming, whom the King and his faction intended to have Moderator. He was a godly man, but credulous and simple, not so fitt for discipline and government as for the pulpit and the schooles; neither was he made privie to all the mysteries of the iniquity which was then in working, but only so farr as the plotters thought needfull. His old Master, Mr Thomas Buchanan, now wonne to the King's side, tuned and tutored him as he saw it fitting. They thought the estimation men had of him wold induce many to like of their course the better. Much travell was taken for his election. Such ministers as were befor acquainted, brought others of any note to be acquainted with the King. This was their exercise morning and evening. After that terrors and threats were carryed to Mr Andrew Melvill's ears, to drive him in a manner out of the toune, the King sent for him. After some rough conference betwixt them, the King dimitted him calmely.

Mr John Davidson, minister at Salt Prestoun, directed a letter to this Assembly, wherein he certified them in his owne name, and in the name of the rest of Christ's faithfull ministers, that if any act did passe prejudiciall to our Christian liberty, agreeable to God's Word and the lawes of this realme, that, by God's grace, he wold stand by the protestation made by himself before, verbally, at the last Generall Assembly holden in Edinburgh.

The Convention of the ministers conveened lately at Perth was acknowledged for an extraordinary Generall Assembly. Notes in forme of declaration of his Majesty's, and Perth Assemblie's meaning of some of the articles then concluded, were receaved as sufficient, notwithstanding of the opposition of many brethren. Answers wer given to so many other of the King's other Questions as wer proponed by himself or his Commissioner. Howbeit the main point, to wit, superiority of Bishops over Ministers, was concealled, yet, in the answers, it was ordained, that ordination of

ministers be not acted without imposition of hands, which befor was not thought necessary; because the imposition of hands is now, by the Prelates, accounted the cheef note or mark to difference a bishop from a presbyter, which he may not delegat to a presbyter, as he may do jurisdiction. It appeareth they have been preparing the way by this ordinance. These to whom the tryall of the excommunicat Earles was committed, produced their answers to the articles and conditions prescribed to them. Power was given to the same Commissioners, after the accomplishment of the conditions, to absolve them from the sentence of excommunication, who wer as ready to absolve as the other in shew wer to be absolved; and that was only in shew, that they might the more easily be restored to their estates and dignities, as their continuance in Poperie afterward made manifest.

### THE CHEEFE WORKMEN FOR EPISCOPACIE ENABLED WITH A GENERALL COMMISSION FOR THE BETTER EFFECTUATING OF THEIR PURPOSE.

Power and commission was given, at this Assembly, to fourteen ministers, or to any seven of them, to conveen with the King, at such tyme and place as he should appoint, to take solid order anent the provision of ministers to Edinburgh, Dundee, St Andrews, the King's owne House, and the Prince's; to give their advice and judgment to his Majestie, anent the planting of every particular kirk within the realme; to devise overtures concerning the Constant Platt; and, generally, to give their advice to his Majestie concerning the well of the Kirk, and entertainment of peace and obedience to his Majesty; and to propone to his Majesty the petitions and greeves, as well of the Kirk in generall, as of every member thereof in particular. Commissioners wer appointed befor, to present articles, petitions or greevances to the Parliament, King or Counsell; but now, those who were appointed by this Assembly, have also commission to sitt with the King and exerce jurisdiction, by censuring such ministers as by free application of

their doctrine offended the King. It was easy to the King's faction to induce a great number [to agree to] this Generall Commission; because befor, they wer forced to attend long upon such as wer appointed to modifie stipends, but now they are put in hope of large and constant provisions. This policie hath served their turn ever since, to put them in hope of augmentation of stipends, when the King was to urge any point upon the Assembly. These Commissioners, having accesse to the King when they pleased, and commission to sitt and consult with him, began soon to change their manners. They wold rule, both in and out of the Assemblies. Matters which were to be treated in Generall Assemblies were first prepared and drest by them at Court. Some were put in the roll for the fashion, who wer not made privie to the secret plotts, but only to grace the company; for seven wer sufficient at this tyme to sitt and plot what they pleased. So these Commissioners wer a wedge taken out of the Kirk, to rent her with her own forces; and this Generall Commission was the very needle which drew in Episcopalle authority.

In the moneth of June immediately following, the King and Commissioners of the Generall Assembly conveening at Falkland, reduced the sentence of deposition pronounced by the Presbytery of St Andrews against Mr John Rutherford, minister at Kinnocher, a non-resident, one that waited not upon his calling, but took him to the exercise of physick. In the moneth of July they removed Mr David Black, and Mr Robert Wallace, two painfull ministers out of St Andrews, without consent or advice of the Presbytrie. Mr Robert Wallace was suspended for some words uttered against my Lord Menmuire, (Mr John Lindsay,) Secretar, a plotter against the Kirk. Mr George Gladstanes, minister in Angus, was placed by him in Mr David's roome. Mr George was afterward preferred to the Bishoprick of the See; whereby it appeareth that these other two were removed to give way to the planting of a bishop there; howbeit it was strangely dissembled, in the meantime. At the same tyme, they procured a new choise of a Rector of the University; Mr Andrew Melvill being rector. In the meantime, an act was

made that no Masters nor Professors of Divinity in the University should sit in the Presbytrie upon matters of discipline; which was done of purpose to seclude Mr Andrew.

In the month of August, the three Popish Earles were relaxed, by sound of trumpet, at the cross of Edinburgh, and proclamed free subjects. Their restoration to their livings, dignities and honours, was proclaimed at the crosse, in tyme of the Parliament, which was holden in December following.

## THE FIRST STEP TO OUR PRELATS' GRANDEUR: MINISTERS VOTE IN PARLIAMENT.

At this Parliament, which was holden in December 1597, the workmen for Episcopacie — the Commissioners of the Generall Assembly—preferred a petition in name of the Kirk, to wit, That ministers might have vote in Parliament. They had not commission to petition any such thing, either for the Kirk in generall, or for the ministrie in particular. It is true, it was an old complaint and greevance of the Generall Assemblies, that those who had the benefices of the prelacies voted in Parliament in name of the Kirk, and therefor petitioned that none vote in Parliament in name of the Kirk, but such as should have commission from the Kirk, if ther wer such a necessity that some must vote in name of the Kirk; but that ministers in particular vote in Parliament in name of the Kirk, was never petitioned. The Assembly holden in October 1581, being required by the King to give him some overture, how he shall not be prejudged, seeing they had damned the office of bishops, whereunto also is annexed a temporall jurisdiction, by whom the Prince was served by voting in Parliament, assisting in Counsell, contributing to taxations and such like; thirtie barrons, burgesses, commissioners from burghs, and ministers wer appointed by the Assembly to consult upon it apart. They returned, after consultation, to the Assembly, with this overture, That for voting in Parliament, or assisting in Counsell, Commissioners from the Generall Assembly shall supply the place of Bishops; as for the exerce-

ing of civill or criminall jurisdiction, the head baillies may exerce the same. The Assembly allowed the overture, but did not determine that ministers should be sent Commissioners to that effect. When the like question was proponed by the Convention of Estates, in October 1582, answer was returned from the Assembly, That they could not consent that any should vote, but such as did bear office in the Kirk, and wer authorized with commission from the Kirk; but did not determine whether ministers, or barrons and burgesses who were elders. The Assembly, holden in May 1592, enjoined every brother to consider, Whether it was leissum to ministers to vote in Parliament, in the old Prelates places, that they might be the more able to reason upon it: but no conclusion was resolved upon. So the Assembly was never earnest for vote in Parliament, but complained that such Lords as had the abbacies, priories and bishopricks, voted in name of the Kirk, whereby the Kirk was damnified in sufficient maintainance for the service of God; or answered to the King's complaining of the want of his Third Estate.

But the ground is false, that, of necessity, the Kirk must be an Estate in Parliament; for by the Kirk is meant either the ministrie only, according to the Popish sense, taking the clergie only for the Kirk; or the ministrie, togither with the communalitie of professors, which is the right acceptation of the word. Ministers may not lawfully sit as members in Parliament, because the Parliament is a Civill court or great counsell, conveened for making of laws concerning weights and measures, rights of inheritance, forfaultures, losse of limb or life, and such like, whereof ministers ought not to make lawes or be judges, seeing they are separat and set apart to preach the Gospell, and watch over the souls of the people. And howbeit church affairs and matters of religion be sometimes treated in Parliament, yet it is a civill assembly: their proceeding and sanction of such lawes is civill. If ye will comprehend all the professors or members of the Kirk under the name of the Kirk, then all the subjects of this kingdom shall make but a Third Estate,—the whole countrey but a

pairt of the Parliament. Farther, the subjects considered materially, they are the same persons both in Kirk and Commonwealth; but considered with diverse respects, they are distinguished formally. As citizens of the kingdom, their body is represented in Parliament. As members of the Kirk, their body is represented in a Generall Assembly. As members of the Kirk, they should meddle only with things spirituall in their judicatories, counsells, &c. The truth is, that none doth vote in Parliament in the name of the Kirk, or as ecclesiasticall persons, but only as barrons, or in respect of the baronie annexed to the bishoprick, abbacie, or priory. So that, if prelats were not barrons, the Kirk wold get no vote. I grant ministers may be present at Parliaments with the Book of God in their hands, if they be requyred to answer any doubt; nor ought the Estates to make any act concerning religion, or the affairs of the Kirk, without the advice and consent of her representative body, the Nationall Assembly; but ministers ought not to be members of that court or counsell, nor no other in name of the Kirk.

So many noblemen as possessed great benefices, and so many others as they could move to assist them, opposed; but, through the King's earnest dealling with sundry, it was granted, that so many of the ministrie as his Majesty should provide to the office, place, title, and dignity of a bishop, abbot, or other prelate, shall, at all tymes hereafter, have vote in Parliament. It was thought that no honest man in the ministery wold accept of such dignities, titles and offices; and that therefor the Estates wer more liberall in their grant. The consideration of the office was remitted to the consultation and agreement of the King and the Generall Assembly, but without prejudice of the jurisdiction and discipline of the Kirk; but what that office of the bishop, abbot, prior, should be, and not prejudiciall to the jurisdiction and discipline of the Kirk, I think it wer hard to determine.

The Commissioners, as if they had procured a great benefit to the Kirk, sent their missives to the Presbytries to informe them with what difficulty it was obtained, and what danger ther was in

delay, and therfor had anticipat the tyme of the Assembly, which was to be holden in May; and, with his Majestie's consent, had appointed it to be holden the 7th of March. Under fair pretences the dyets appointed by ordinar Generall Assemblyes wer altered, and either anticipat to surprise men, or prorogat till they had prepared persones, or dressed purposes, till at last the whole liberty to appoint any dyet at all was reft out of their hands. In their missives they informe them likewise, what order was taken for the platt and provision of stipends, to make the other point the more acceptable. Yet the judicious and sincerer sort of the ministrie discovered the mystery of iniquity, lurking in this pretended benefit of ministers voting in Parliament; as the Synods holden in Lothian and Fife, about the end of February. In the Synod of Fife, David Fergusson, the most ancient minister in Scotland, discoursed anent the travel and pains taken by the ministry to purge this Kirk of the corrupt Estate of Bishops. "But now," said he, "I perceave a purpose to erect it again. I can compare the convoy to nothing more fitly than to that which the Grecians used for the overthrow of the towne of Troy, by busking up a brave horse, and by a crafty Sinon perswading them to demolish a part of their walls with their owne hands, to receave that in for their honor and wellfare, which served for their utter wraik and destruction." Therefore, he wold, with the other two brethren who had already given warning, cry, *Equo ne credite, Teucri!* Mr John Davidson being present upon occasion, said, "Busk, busk, busk him as bonnily as ye can, and bring him in as fairly as ye will; we see him weill eneuch: see how he setteth up the horns of his mytre." Sir Patrick Murray had been directed to the Synod from the King, and a letter was [sent] from the Commissioners of the Generall Assembly, to perswade them to accept so great a benefit, procured with so great difficulty. The greatest number were inclining, till Mr Andrew Melvill, and Mr James Melvill, began to forewarn them of the danger.

Upon Saturday the 25th of February fell forth that fearfull

ecclipse of the sun, which continued the space of two hours, so fearfull, that that Saturday is yet called by the people, " The black Saturday :" a prognostick, as the tymes gave occasion to interpret, of that darknesse which was to fall upon the Kirk.

The Generall Assembly, conveened in Dundee the 7th of March 1597, *alias* 1598. Mr Patrick Blackburne, minister at Aberdeen, was chosen Moderator by plurality of votes, especially of the barrons and northland ministers. His assessors wer nominat by the King, against all order. Nothing of moment was done the first two dayes, but ministers were brought to the King from morning till late at night, and voters procured to vote in Parliament, and other matters which were to be proponed. Mr Andrew Melvill was commanded first to keep his lodging; and after, upon the 9th day, he and Mr John Johnstoun, a Professor of Divinity in St Andrews, were charged to depart out of the towne under the pain of horning.

Some Presbytries gave in their greevances against the Commissioners of the Generall Assembly. Such alterations were not heard at any time before in our Assemblies, as now about these greevances. Papists and politicians wer brought in to take their pastyme, and gather matter of slander and calumnie. But the King, fearing that the maine purpose which he had in hand could not succeed that way, laboured to have the greevances buryed, and, to please the ministry, promised to travell with the taksmen of the tithes for augmentation of the duty of their tacks. Whereupon, the Commissioners from the Presbytries which had given in their greevances being removed, and secluded from voting in the tryall of the Commissioners, it was concluded, that the greivances and answers of the Commissioners should be buryed and obliterat for continueing of peace in the Kirk; and the proceedings of the Commissioners of the Generall Assembly wer approved and passed over without censure, both what they had done in placeing and displaceing ministers at St Andrews, reponeing Mr John Rutherfoord, and also obtruding two young men, Mr George Robertson

and Mr Peter Hewat, upon Edinburgh, to be colleagues to the old ministers, at the division of the towne in quarters.*

The General Commission was renewed and made more ample. Full power was given to some ministers, about twenty in number, or to any nyne of them, to concur with his Majesty for setting downe solid grounds for the constant Platt, and of security to be made to the tacksmen for the remanent of their tithes; and, in case the Presbyteries approve their grounds, to conveen with his Majesty and Lords of his Privie Counsell, having the power of the Parliament to that effect, that they may put a final end to the constant Platt and planting of every particular kirk within this realm; as also to plant sufficient ministers in the principall burrows, and to provide sufficient ministers to the King and Prince his house, the kirks of Dumfries and New Abbey; to present greevances to the Parliament; to give his Majesty advice how to avoid dangers and inconveniences, which wer likely to befall the Kirk; and, in case his Majesty found himself greeved, or crave redresse of any enormity done to him by any of the ministerie, to cognosce thereupon, and, after advice of the most discreet of the Presbytrie, to proceed in tryall be themselves, and conclude as they shall see expedient for the glory of God, and the peace of the Kirk; and last, to propone to his Majesty, at their conventions, petitions and greevances, either of this Assembly in generall, or of any member in particular. This Commission was to endure to the nixt Assembly. The most part of the persons nominat wer such as were aspiring, or were preferred to bishopricks afterwards, viz., Messrs Peter Blackburn, James Nicolson, Alexander Douglasse, Thomas Buchanan, George Gladstones, Alexander Lindsay, Robert Pont, David Lindsay, Gavin Hamilton, Andrew Knox; Mr John Knox, Mr Henry Livingstoun, and some others, wer nominat for the fashion. Nine might be had at all tymes without them, to consult and conclude when they thought it expedient. Commission was given

* In 1584, the town of Edinburgh had been divided into four districts or parishes, with a minister for each; and in 1597, the Town-Council resolved to increase the number of ministers to eight, or two for each parish.

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in particular to Messrs Robert Rollock, David Lindsay, Robert Pont, Patrick Galloway, Thomas Buchanan, James Nicolson, George Gladstones, John Duncanson, or any five of them, to place the ministers of Edinburgh in their severall quarters.

A whole week was spent befor the cheef point was proponed, to weary the ministers come from the South; that, after the departure of some of them, detaining their owne adherents, they might the more easily come to their purpose. The King, in the tenth session, declared, what great care he had to adorne and benefit the Kirk, and to restore to her her patrimony; [and] that for the effectuating of this, it was needfull that ministers have vote in Parliament, without which the Kirk could not be vindicat from poverty and contempt. "I mind not," said the King, "to bring Papisticall or Anglican Bishops, but only to have the best and wisest of the ministery appointed by the Generall Assembly, to have place in Counsell and Parliament, to sit upon their own matters, and not to stand always at the door like poor supplicants, despised, and nothing reguarded." Some of the Commissioners spoke to the same effect. Ther was sharp and hot reasoning, notwithstanding, in the eleventh session, against ministers, voters in Parliament. Messrs Robert Bruce, James Melvill, John Carmichaell, John Davidson, William Aird, and some others, oppugned. The King was forced to commend Mr John Carmichaell for his acutenesse. Mr James Melvill's reasons are extant in the Course of Conformitie,* as they were enlarged afterward by himself. Mr Andrew Melvill was charged to depart out of the towne the week before, because they feared him, as was weell remembered by Mr John Knox, when this point was proponed. But what availled reasoning, where authority swayed the matter, and votes wer procured befor hand? Beside, the point itselfe was so plausible to corrupt and worldly ministers, that they thought it the only mean to recover the Kirk rents, when some of their owne number shall sit in Counsell and

* The title of a tract usually ascribed to David Calderwoood, printed in the year 1622, 4to. Melville's Reasons are also included in his own Diary, (Wodrow Society edit., pp. 470-485.)

Parliament; whereas befor they wont to stand at the door with their petitions in paper, and scarce gett a good answer. Some were so simple that they could not see evill in the vote, nor foresee the consequence of it. When the roll was called, Mr Gilbert Bodie, a drunken Orkney asse, was first called on; a number of northland ministers followed, all for the belly and the body; yet the negative voters were overcome only by ten voices, and had overcome the affirmative, if barrons wanting commission had not voted with them. The Commissioners, challenged by sundry brethren for presenting such an article to the Estates, were approved; and it was concluded, That it was necessary and expedient, the ministrie, as the Third Estate of this realm, in name of the Kirk, have vote in Parliament. But here it may be demanded, If the ministrie, as representing the Kirk within this realme, should have vote in Parliament, wherefore doth not the whole ministrie vote in Parliament? But it is false that the ministrie only representeth the Kirk without other office-bearers. The Act of Parliament beareth no such meaning, That the ministrie represents the Kirk, and therfor should have vote. And at the same Assembly some that consented that the Kirk should have vote in Parliament, wold have had barrons and burgesses chosen by the Assembly to be their Commissioners to vote. Others were content to accept it upon whatsoever conditions it might be had.

Mr John Davidson, when his vote was asked, desired them not to be sudden in such weighty matters. When one had said, that the title of Lord could not be denyed to them that were to sit in Parliament, and mantainance answerable to their dignity—"See ye not, brethren," said Mr John Davidson, "how bonnily yonder bishop beginneth to creep out, *Novus palliatus Episcopus*." The King and a great number burst forth in laughter, so light account made they of the matter; but he, proceeding, said, "Have we not done much to it, that have striven so long against that corrupt estate to bring forth now such a birth?" The deceitfull workmen laboured to extenuat the matter, and to cover their proceedings as if no such thing had been intended. In end, he gave in a protes-

tation in writ, which he had in readinesse three or four dayes befor, in his owne name, and in name of all other brethren who wold adhere to it, and craved that it might be insert in the books of the Assembly. He votted and reasoned befor in other matters, but without prejudice of his protestation made befor, or to be made after. This protestation was reached from hand to hand till it was laid down befor the Clerk. The King taketh it up, readeth it, and sheweth it to the Moderator, and others sitting beside, and then put it up in his pocket. In this protestation he protested, in his own name, and in the name of others, that he disassented from all the proceedings in this and the other two Assemblies immediately preceeding, as not having the liberty of free Assemblies permitted unto them, till the nixt better constituted and advised Assembly; and, therefor, that it be lawfull for him and others who shall adhere to this protestation, to use their wonted freedome, notwithstanding of any law or act to be made in the contrare. He left the Assembly; and a number of ministers, who were silent when the King demanded in a boasting manner who would stand to it, overtaking him at the other side of the ferry, subscribed it, about three or four score. But when he comes to St Andrews, he was advised to cutt off the names and burne them.

In the twelfth session, Concerning the number of the ministery that should have vote in Parliament in name of the Kirk, it was likewise concluded, and thought expedient, That as many of them should be chosen for vote in Parliament as wer wont of old in tyme of the Papisticall Kirk to be bishops, abbots and priors, who had the like liberty, viz., to the number of fifty-one, or thereby. *Item*, after reasoning, it was voted and concluded, That the election of such of the ministery as should have vote in Parliament ought to be of a mixed quality, and appertain partly to his Majesty, and partly to the Kirk. And because, for shortnesse of tyme, the brethren could not be perfectly resolved in the remanent heads and circumstances, concerning the office of him who should have vote in Parliament, viz., *de modo eligendi;* of his rent; of the continuance of his office; whether he should be chosen *ad culpam*,

or not; of his name; of the cautions to preserve him from corruptions, and such other circumstances: The Assembly desireth every Presbytrie to be ripely and thoroughly advised with the heads above written, and, thereafter, to conveen in their Synodall Assemblies, through the whole countrey, upon one day, which shall be done upon the first Tuesday of June nixt to come; and there, after new reasoning and advising upon the heads above written, that every Synod choose three of the wisest of their number, who shall be ready upon his Majestie's advertisement (which shall be upon a month's warning at least) to conveen with his Majesty, togither with the doctors of the Universities, viz., Messrs Andrew Melvill, John Johnstoun, Robert Rollock, Patrick Sharp, Robert Howie, Robert Wilkie, James Martein, such a day and place as his Majesty shall think expedient, with power to them to treat, reason and conferr, upon the said heads, and others appertaining thereunto; and, in caise of aggreement and uniformity of opinions, to vote and conclude the whole question touching vote in Parliament; otherwise, in case of discrepance and variance, to referr the conclusion thereof to the nixt Generall Assembly.

It standeth not with equity that the King should be partner in the election of the Commissioners to vote in name of the Kirk, more than of the Commissioners for barrons and burgesses. The King and the Commissioners of the Generall Assembly had framed some cautions to inclose the Commissioner, (voter in Parliament,) to range him in, suppose he should grow never so wyld, that he grow not to a Popish or Inglish Bishop, [and] that he might the more easily be embraced. But, when they were read, they perceaved that many brethren who had assented to the maine point begann to scarr; therfor this point was referred with the rest, to be advised upon. Mr Andrew Melvill and Mr John Johnstoun were debarred from this Assembly, where the main points were to be reasoned and put to voting, but wer permitted to be present at the appointed meeting of the Commissioners from Synods, wher no power was granted to conclude but in case of agreement; and that their rea-

sons might be known befor the nixt Assembly, and there shifted or suppressed.

The Synods were enjoined to conveen all in one day, that one should not understand what another had done or receave light from another.

Because they perceaved that ther came a number of Commissioners out of some Presbytries to oppose to their course, they procured then an act, that, in tyme coming, no moe ministers be directed as Commissioners to the Generall Assemblie but three at the most; that one be directed from every Presbytrie, in name of the barrons, and one Commissioner be directed out of every burgh, except Edinburgh, which shall have power to direct two; yet they themselves afterwards brought five or six out of some Presbytries, as they found needfull, to advance their course.

Those who had the charge committed to them to place the ministers of Edinburgh in their severall quarters, who befor had taught promiscuously, wrought great vexation to Mr Robert Bruce, in Aprile and May following 1598. He had been minister in Edinburgh eleven years befor. Now, when he was to accept a part of the towne, togither with his colleague, Mr James Balfour, which was his owne desire, they urge him with imposition of hands. Lest he should seeme to run unsent all the years bypast, without a calling, he constantly refused to receave imposition of hands as a ceremony of ordination, or entering into the ministry; but was content to receave it as a signe of confirmation, if they would give their declaration thereupon in write, which, after much debate, they were forced at last to give, maugre their hearts. I observed befor, that this ceremony, which was thought unnecessary and indifferent, was now of late urged as necessary; because they were laying the foundation of Episcopacie, which, in words and outward profession, they denyed.

Mr William Melvill, one of the Senators of the Colledge of Justice, and Sir Patrick Murray, were directed by the King to the Synod of Fife, which was holden in June. They were carefull to procure three to be chosen for the appointed conference that fa-

voured the King's course; but by the devise of their favourers, a number of the best affected and most opposite to the course wer put upon the leets, that they may be ridd of their votes, and that the votes of such as were affected that way might be scattered, whereas the votes of others who wer wrought upon, were laid upon thrie of their owne. So Messrs Thomas Buchanan, George Gladstones, and John Fairfoull, were chosen Commissioners; which, when the sincerer sort which was the far greatest part, perceaved, they wold yeeld to no other commission, but to report faithfully the judgment of the Synod, to reason, vote and conclude, according to the same.

The Commissioners from Synods conveen in Falkland, the 25th of July 1598. The King and his adherents found not such advancement of their course as they expected. Seeing the sincerer sort could not get the maine point recalled, they laboured for the straiter Cautions. It was concluded as followeth:—

"First, Concerning the manner of chosing of him that shall have vote in Parliament, in name of the Kirk, it is condescended upon, that he shall first be recommended by the Kirk to his Majesty; and that the Kirk shall nominat six for every place that hath need to be filled, out of which number his Majesty shall choose one whom he liketh best; and his Majesty promiseth, obligeth and bindeth himselfe, that he shall choose no other but one of that number; and in caise his Majesty refuse the whole, upon a just reason of unsufficiencie, and of greater sufficiencie of others not recommended, the Kirk shall make a new recommendation of men, according to the first number, out of which one shall be chosen by his Majesty without any further refusall or new nomination; and he that shall be chosen by his Majesty shall be admitted by the Synods.

Secondly, It is concluded, that the Generall Assembly shall have the nomination or recommendation of him that shall have vote in Parliament in name of the Kirk, who shall take the advise of the Synods and Presbytries thereanent directed from them in write; and the Synod shall have liberty to nominat, as weell within their

province, as without; providing, that if there be any within the province meet for the place, *cæteris paribus*, he be preferred to another.

Thirdly, Anent his rent, it is advised, with one consent, that the kirks being planted sufficiently, the colledges and schoolls already erected not prejudged, the King's Majesty shall provide to him all the rest of that benefice whereunto he is preferred.

Fourthly, As for the Cautions, to keep him that shall have vote in Parliament from corruption, they are these following:—

1. That he presume not any tyme to propone at Parliament, Counsell, or Convention, in name of the Kirk, any thing without expresse warrand and direction from the Kirk; and such things as he shall answer for to be for the weill of the Kirk, under the pain of deposition from his office: neither shall he keep silence, or consent, in any of the saids Conventions, to any thing that may be prejudicall to the liberty and well of the Kirk, under the same pain.

2. He shall be bound, at every Generall Assembly, to give an accompt anent the discharging of his commission since the Assembly preceeding, and shall submitt himselfe to their censure, and stand to their determination whatsoever, without appellation, and shall seek and obtain ratification of his doings at the said Assembly, under the pain of infamie and excommunication.

3. He shall content himselfe with that part of the benefice which shall be given him by his Majesty for his living, not hurting nor prejudging the rest of the ministers of the Kirk within his benefice, planted or to be planted, or any other minister in the countrey whatsomever; and this clause to be insert in the provision.

4. He shall not, in any wise, dilapidat his benefice, neither sett nor make any disposition thereof without the speciall advice and consent of his Majesty and the Generall Assembly; and, for the greater warrand, he shall interdyte himself not to dilapidate his benefice, nor to consent to the dilapidation thereof, made by others to the Generall Assembly; and shall be content that inhibitions be raised against or upon him to that effect.

5. He shall be bound to attend faithfully upon his own particular congregation, wher he shall be minister, in all the points of a pastor; and hereanent shall be subject to the tryall and censure of his owne Presbytery and Provinciall Assembly, as any other minister that beareth not commission.

6. In the administration of discipline, collation of benefices, and all other points of ecclesiasticall government, he shall neither usurp nor acclaime to himself any power or jurisdiction farther than any of the rest of his brethren, under the pain of deprivation; and in caise he usurp any part of the ecclesiasticall government, and the Presbytrie, Synod, or Generall Assembly oppone and make any impediment, to be null, *ipso facto*, without any declaration.

7. In Presbytries, Provinciall and Generall Assemblies, he shall behave himself in all things, and be subject to their censure as any of the brethren of the Presbytrie.

8. At his admission to the office of Commissionarie, these and all other points necessary, he shall swear and subscribe to fulfill, under the penalties forsaid; otherwise not to be admitted.

9. In case he be deposed by the Generall Assembly, Synod, or Presbytry, from his office of the ministery, he shall lose his vote in Parliament *ipso facto*, and his benefice shall vaick.*

Farther Cautions to be made, as the Kirk pleaseth and findeth occasion.

Touching his name that for the Kirk shall have vote in Parliament, It is advised, by uniforme consent of the whole brethren, that he shall be called 'The Commissioner' of such a place; and in case the Parliament, by his Majestye's moyen, may be induced to acknowledge that name, it shall stand so; if not the Generall Assembly shall conclude this question anent his name.

The question being demanded, Whether the commission of him that should vote in Parliament for the Kirk, should endure for his lifetyme, except some cryme interveen, or for a shorter tyme, at the pleasure of the Kirk? the Commissioners of the Provinciall

* *i. e.* become vacant.

Assemblies, being of diverse opinions, thought good to referr this question to the nixt Generall Assembly."

The King and Commissioners of the Generall Assembly were not weill pleased with the strictnesse of these Cautions, nor minded that they should be observed; but wer content that ministers vote in Parliament was admitted, upon whatsoever conditions. That they might have tyme to dresse their matters for the nixt Assembly, which was appointed to be holden at Aberdeen in July 1599, it was prorogat, by proclamation, till March 1600; as also that the King may, by degrees, bereave the Assemblies of their liberty to appoint and indict dyets.

In the month of July 1599, the King and the Commissioners, having called for some ministers to St Andrews, laboured with them for reconciliation and profession of brotherly love, which was not refused. But by this mean, they thought to insinuat themselves in their affections, and either to win them to their course, or to blunt the edge of their zeall against them; for it was not difference in opinion only that made alienation of affections, but plotting against the discipline, aspiring to preferrment, vexing of their brethren.

In September following, was the letter directed to the Pope, for which Secretar Elphingstoun was afterward troubled.

In the same moneth certain passages, extracted by Mr James Melvill out of *Basilicon Doron*, wer presented to the brethren of the Synod of Fife, wherein the King's intention to erect the state of Bishops was discovered, howbeit it was denyed. Some few coppies only were printed at first,* and these were committed to the trust of some few. Mr John Dicks [Dykes] was suspected to have extracted these passages. The King thereupon sent Mr Frances Bothwell to apprehend him, that he might reveall from whom he had the coppy, but he withdrew himselfe, for Mr James his security.

The King, with advice of the Commissioners of the Generall

* The edition referred to was printed at Edinburgh, by Robert Waldegrave, 1599, 4to. According to the Royal Author's own statement in 1603, there were only *seven copies* printed of the original edition.

Assembly, fearing the like opposition at the nixt Assemblie that he found at the last, or greater, thought meet to appoint a conference at Holyroodhouse the 17th of November, to the end, as was pretended, that such as were not satisfied might be resolved, that so a way might be prepared for a peaceable Assembly. The truth is, if he could obtain the unanimous consent of those who were conveened, who were the men of cheef note in our Kirk, he assured himself their judgment would be followed in the nixt Assembly; if not, yet the reasons of the other party might be made known, answers or replyes prepared, or some other means used to attain to their purpose. It was granted to every one that was present, to reason freely, both upon the points already concluded, and the points which wer referred to the nixt Assembly. The brethren opposite to their course, howbeit not prepared, because not timously forewarned, condescended to reason, but under protestation, that their reasons wer not prejudiciall to the nixt Assembly, and that it might be free to them to add, farther then, as they were able. They reasoned pithily against ministers voting in Parliament, against the perpetuity of the votter, and the title of Lord or Bishop to be given to him. Farther, they foretold, that which we see and feell this day, that they wold debauch and be distracted from their callings; that they wold break the barrs of all the Caveats, vote and reason in Parliament as they pleased, and take no limited commission; if they got once the title of Bishops, all the Caveats wold not restrain them from usurping lordship and preheminence over their brethren; that they will bring with them from the Court to the Kirk such behaviour and manners as they drink in there; they will look sour if they want the styles among their brethren, which are given them in the Court, wher they shall be styled "Lords" at every word, and, possessing the chiefe places in the realme, will be avenged on them at the Platt or the Court; or otherways, if they serve the Prince and the Estate, howbeit against the weale of the Kirk, the Prince will maintain them by his authority and moyen in Assemblies, having the sustentation of ministers in his power; or if the Assembly depose them, he will have them to enjoy still

their stylés and rents, and so shall they sett themselves to be avenged upon the Kirk. They dissolved with little contentment to the King. " If the Assembly wold not embrace the benefit offered, let them," said he, " blame themselves if they fall in poverty and contempt." As for himself, he could not want one of his Estates; he wold place such in these places as he thought good, who wold accept of the same and do their duty to him and the countrey. This bastard Estate is commonly alledged, and the service they owe to the King and countrey; whereas their service is to serve in matters spirituall for the welfare of men's souls, both Prince and people, in the countrey; and others may and can serve better in things civill or temporall.

Mr Peter Blackburne, minister at Aberdeen, Moderator of the last General Assembly, taught good and sound doctrine in his exhortation at the beginning of last Assembly, which was holden at Montrose in March 1600, but was induced or rather threatened to recant, afternoon, before the whole Assembly. This was a step to a bishop of the new stamp.

Sundry of the sincerer sort wer put on the leets, and therfor the votes wer divided; but all that were for the King's course laid their votes upon one man, and so Mr Robert Wilkie was chosen Moderator. The like trick I observed befor in a Synod of Fife.

The nixt policie was to draw their chief opposits upon the privy conference, that they might know how to deall in publick. In the privy conference, four were chosen for each side to conferr and reason apart, upon hope that, upon their agreement, wold follow an universall harmony as was pretended; but in effect, it was to essay if their opposits might be drawn to them, if not, to proceed after their wonted manner. Yet some good was expected, if their conference had not been interrupted by the King. For the one side, wer chosen Messrs George Gladstaines, James Nicolson, Robert Howie, Alexander Douglas; and Mr John Spottiswood, now Bishop of St Andrews, to be their scribe: Messrs Patrick Sharp, Patrick Simpson, James Melvill, David Barclay, for the other side; and one to be their scribe; for they were enjoined to sett down

their reasons in writ. They spent the tyme very fruitfully an whole afternoon, beginning at the very ground to define a Parliament, and what it was to vote in Parliament, and so forth. The four of the opposite side were square and plain, after protestation [before God] for secrecie; but the King, being informed that night by some of his owne, wold suffer no more that private reasoning the day following, but wold have it publict befor himself and some of the Counsell, in the privy conference. Those that stood for the established discipline, proved by many Reasons that the act of the Generall Assembly holden at Dundee 1598, taken according to the mynd of the Act of Parliament, concerning Ministers vote in Parliament, was flatt repugnant to the Word of God. Their reasons were so strong, that in effect they were all granted; but only it was denyed that any such thing wold follow as was alledged. They denyed they were to bear any charge or office in things civil, make laws, judge upon forfaultries, medle with civil affairs, confound jurisdictions, &c. It was pertinently alledged, how the collier desired to dwell beside the waker, * alledging many commodities might redound to them both by their fellowship; but the waker refused altogether, "for it is not possible," said he, "but thy occupation will marr mine, for thou makest black, and I make white."

The King and Commissioners of the Generall Assembly,—I mean so many as wer privy to the course, were aspyring to bishopricks, and had their meetings with the King for such purposes,—finding this conference not to succeed, held the gripp they had gotten. The acts already past must not come in question in publick. Their chief care was to obtain a ratification of the Cautions concluded at Falkland, and consent to the perpetuity of the voter in Parliament. The King, from his rising in the morning till he went late to bed, was so bussied with ministers, that the courtiers complained they could not get accesse to him. Mr Andrew Melvill was commanded to keep his lodging, howbeit he was sent in commission from his

* Or, *wauker*, a fuller, from *wauk*, to full cloth.

Presbytery. The brethren were made to beleeve, that erecting of Episcopacy was not intended, but only ministers voting in Parliament to vindicat the Kirk from contempt and poverty; and so sounded their answer to their opposits arguments in the conference. Yet there was such opposition made, that the King and the Commissioners of the Generall Assembly could not procure perpetuity to the Commissioner in Parliament *ad vitam*, or *ad culpam*, &c. Fiftie-one voted that he should be chosen *annuatim* by every Presbytrie from year to year; some cryed, instead of *annuatim*, "Away with him;" forty-eight, of which many were not ministers, voted *ad vitam* or *ad defectum*.

The King's workmen were so greeved, that they conveened and devised a new glosse drawing near to that which was concluded; to wit, that the Commissioner voter in Parliament, shall give account *annuatim*, and lay downe his office at the feet of the Assembly, to be continued or altered as the Assembly shall think expedient. They communicate this device to the King. The King and Clerk sett the conclusion downe so. And so it is extant as followeth:—

"Which whole conclusions, (to wit, of the meeting of the Commissioners from Synods at Falkland,) being read in audience of the whole Assembly, the Assembly, being ryply advised therewith, ratifyed, allowed, and approved the same, and thought expedient that the said Cautions, together with such others as shall be agreed upon by the Assembly, be insert in the body of the Act of Parliament, which is to be made for conformation of the voter in Parliament to the Kirk, as most necessary, and substantiall points of the same.

"Forasmuch as the Commissioners of Synods conveened at Falkland, the 25th of July 1598, being of diverse opinions concerning the continuance of his commission who should have vote in Parliament, whether he should endure for his lifetyme, except some cryme or offence interveen, or for a shorter tyme at the pleasure of the Kirk, they thought good to referr the same to this present Assembly: Therfor the Generall Assembly, having reasoned at

length upon the said question touching the continuance of him that shall vote in Parliament, finds, and, after voting, decerns, that he shall *annuatim* give an account of his commission obtained from the General Assembly, and lay downe the same at their feet, to be continued or altered by his Majesty and the Assembly, as the Assembly, with consent of his Majesty, shall think most expedient for the well of the Kirk.

"It is statut and ordained, That none of them that shall have vote in Parliament shall come as Commissioners to any General Assembly, or have vote in the same, in any tyme coming, except he be authorized with Commission from his own Presbytery to that effect.

"It is found by the Assembly, That *crimen ambitus* shall be a sufficient cause of deprivation of him who shall have vote in Parliament.

"It is statut and ordained, That every minister intimate this generall, that vote in Parliament is concluded by the Assembly, and that none utter speeche in pulpit contrair to the same."

The Generall Commission was renewed, wherwith the chief plotters of Episcopacie were authorized, almost the same who were nominat in the former: Messrs James Nicolson, Alexander Forbesse, Alexander Douglas, Alexander Lindsay, George Gladstones, David Lindsay, Andrew Lamb, Gawen Hamilton, Robert Pont, Robert Howie, Andrew Knox, James Law, John Spotswood, Patrick Galloway: Some others were joined with them, but their souls came not into their secrets. The King might proceed in execution of the Commission with nyne of the number without the rest.

The ministers of Edinburgh were charged, upon the 12th of August, [1600] by the King and Counsell, to depart out of the towne —all, except the two young men that entered last; and discharged to preach in the King's dominions, because they wold not professe to the people, that they were perswaded that the Earle of Gowrie and his brother wold have killed the King in St Johnstoun, upon the 5th of August; and perswade the people to beleeve the same.

They offered to thank God for his deliverance out of a danger, to rehearse faithfully to the people the history as his Majesty delivered it, and to speak nothing in the contraire; but that was not accepted. Not long after, their places were declared vacant by the Commissioners of the Generall Assembly. Upon the 5th of September they were charged to compear before the King and Counsell in Stirling, to hear farther punishment decerned against them. Messrs William Watson, Walter Balcanquell, John Hall, James Balfour, professed they were resolved, and were appointed to publish their resolution in the Kirks designed to them, and to confesse their error and incredulity. The Court gave out that they were sent to make their repentance. Mr Robert Bruce professed, that he was not yet resolved, but craved tyme to search and try. He is ordained to depart out of the countrey, not to return to England nor Scotland without his Majestie's licence, and to remaine in Airth till his departure.

The King, with advice of the Commissioners of the Generall Assembly, appointed a meeting of two out of every Synod, to be holden at Edinburgh in October, to take some order for the Kirk of Edinburgh, and to consult with the Commissioners upon such things as were to be proponed to the nixt Parliament. At this meeting the King was earnest to have others planted in the Ministers of Edinburgh their roomes, (notwithstanding the publishing of their resolution,) except Mr John Hall, whom, said the King, I will take in mine owne hand. It was answered, That could not be done, unlesse they were deposed by the Kirk, or cutt off by some civill judicatory; yet the King was so headstrong, it was thought good to try their owne mindes, if they wold be content with transportation rather than that their kirks should vaik. Mr James Melvill, Mr William Scot and Mr John Carmichael were directed to deall with them. After they were gone forth, the King and the Commissioners took hold of the opportunity, [and] obtained the nomination of these three to vote at the nixt Parliament, which was to be holden in November, to wit, Mr David Lindsay, Mr Peter Blackburne, Mr George Gladstones, without regard to the

Cautions and Order concluded at the last Assembly; howbeit this meeting had not the power or strength of a Generall Assembly. The three brethren directed to deall with the ministers of Edinburgh understood nothing of the matter till the meeting was dissolved. At the nixt Parliament, whereat Gowrie was forfaulted, the three who were nominat voted.

In the Synod of Fife, conveened at Saint Andrews in February following, *anno* 1601, Mr George Gladstones being challenged, confessed that he sat in the last Parliament and answered as bishop when he was called, but alledged that it was against his heart, because they wold not name him otherwise. Such were the slight shifts they had when they were found guilty of any breach. Mr David Lindsay was rebuked in face of the Synod of Lothian, which was holden in Aprile, by Mr John Davidson.

There was a meeting of ministers in Bruntisland, in March 1601, where it was aggreed, that the King be dealt with for the restoring of the ministers of Edinburgh to their places, and a free Generall Assembly to put all matters debatable to a point. The Commissioners of the Generall Assembly promised to deal with him to that effect; but how did they performe their promise in the first, when some of them said to the King, "Now Sir, seeing they are out, blame yourselfe, if ever they anger you again?" As for the last, it is true they proceeded not further in their course, at the nixt Assembly, but matters debatable were not put to a point.

The nixt Generall Assembly was appointed to be holden at St Andrews the last Tuesday of July [1601]; but, by the King's direction, it was anticipat, and holden in May in Bruntisland; wherupon sundry were disappointed. When there was appearance that Mr Patrick Simpson was to be chosen Moderator, the King would needs have the leets changed, and a neutrall man chosen. So Mr John Hall was chosen, who was no neutrall man, but a dissembler, and a secret advancer of the King's course.

Mr James Melvill being detained by sicknesse, sent a letter to this Assembly. In the letter, he desyreth them to insist with his Majesty to yeeld to the agreement of the brethren conveened at

Bruntisland in March; giveth his advice for repossessing the ministers of Edinburgh; for processe against them will be hard, transportation fashious and full of inconveniences. He chargeth them, as they will answer to God, to labor for a redresse of that wrong, which Christ and his Kirk hath sustained by the act and decreet of Secret Counsell, whereby the ministers of Edinburgh were discharged to preach at any time hereafter, in any part of the countrey. He willeth them to try if proceedings have been conforme to the conclusions of the last Assembly,—otherwise it is not possible to hold out corruption; and to complain of the restraint of the freedome of Generall Assemblies, which are now made to depend upon licences, letters, and proclamations; whereas burgesses and barrons enjoy their priviledges freely. In end, he layeth down his commission at their feet, as the pyoner doth his burthen; for it had greeved him continually, and now brought him into extreame danger of his life. Howbeit he was not privy to their greatest secrets; yet, ye see, it greeved him to sit somtymes among them, and countenance their meetings, howbeit he consented not to their decreet and sentences. The King took the letter out of the Moderator's hand, suffered it not to be read, but put it up in his pocket, and laid it amongst his writs, as Mr James [Melvill] was informed.

Mr John Davidson sent his letter likewise to this Assembly. "Should James and John," said he, "be seeking to sitt, one at the right hand, another at the left, when Christ is going to Jerusalem to suffer death? Is it tyme for Baruch to seek great things for himselfe, when the Lord is about to destroy the thing he hath planted, and threatneth his people with fearfull captivity? Is it tyme for us now, when so many of our worthy brethren are shamefully thurst out of their places and callings, without all order of just proceeding against them, *et boni malis deputantur*, and Papists, Jesuits, Atheists, dayly flocking home, are suffered, countenanced, and advanced to great roomes in the realme? Is it tyme for us of the ministrie to be enveigled and blindfolded with pretence of preferment of some small number of our brethren, and that, not to

stand so much in the ordinance and election of the Kirk, as at the pleasure of the Court, to have vote in Parliament, to ride with foot mantles, and have the titles of prelacies, and so to make the preparative in ourselves of that Hierarchie, as they call it, which the Papists mynd with speed to enjoy? What is this but *honorari intra palatium ad servitutem?* Shall we, brethren, like Sampson, sleep still in Delilah's lapp, till they cry 'The Philistins be upon thee, Samson?'" and much more he hath to this purpose. In the postscript, he wisheth they wold not determine any thing *de presenti*, touching the new planting of Edinburgh, in prejudice of their brethren not yet displaced by order, for any promise *de futuro*, touching punishment of Papists; for these two cannot consist togither. If reason found no place, he desireth them to remember, that *melius et optabilius est egregium bellum, pace impia, et a Deo distrahente.* His letter was read in the Assembly, and allowed; but, the King alledging there was treason in it, he was committed to the Castle of Edinburgh, in May, and afterward confined in his paroch for his letter, till his departure out of this life.

Howbeit the Assembly began with small contentment to either party; yet the King, to win the hearts of the people, because of the jealousie many had of the fact committed at Perth, in August before, protested, with the tear in his eye, that he should be forward for the Kirk and the liberty of the Gospell. For farther satisfaction, that was approved by the Court, and many of the ministerie, which before was not only neglected, but mocked at; to wit, to rype up the causes of defection in all estates, from the purity and zeall of the practice of true religion, and to advise upon the remedies. So that in this they had a taste of their wonted Assemblyes. The causes and remedies, for brevitie's sake, I omitt: "yet," as Mr James Melvill observeth, "there was small sincerity in the cheef directors and others of that faction; for, neither were the chief causes of defection laid open, nor a right course taken for remedy." The distraction among brethren, the cause, and the remedy were not touched. The King was so headstrong against the three ministers of Edinburgh, Mr James [Balfour], Mr Walter

[Balcanquall], Mr William [Watson], that, for his satisfaction, it was ordained that they be transported, and planted where the Commissioners of the Generall Assembly shall think expedient. The Generall Commission was renewed, and all the same persons almost authorized with it; so that the plotters were not changed; howsoever others wer put out or in as they thought expedient. About the end of the Assembly the King vowed, holding up his hand, to execute justice faithfully, to discredit all such as should attempt any thing in prejudice of religion.

The Generall Assembly was appointed, at the last, to be holden the last Tuesday of July 1602; but it was prorogat by the King's proclamation to the 10th of November, and was holden in the King's Chappell at Holyroodhouse. Before Mr James Melvill gave his voice at the election of the Moderator, he protested as followeth:—"With all reverence to your Majestie, before I speak any thing in this Assembly, I must protest, that seeing it is conveened extraordinarily, and not at the tyme appointed at the last Assembly by your Majestie's authority, and is keept here within your Majestye's palace, a place not accustomed heretofor for holding the Assemblies of the Kirk, whatsoever shall be done therein contrary to the Word of God, the former constitutions of the Kirk, and established discipline of the same, (which God forbidd,) to be null, and of no effect, and that it be remedied at the nixt ordinar Generall Assembly of the Kirk of Scotland."

Strict order was taken for visitation of Presbytries and particular kirks, and the order of the Visitors proceedings was sett downe; but sundry who wer plotting for bishopricks were nominat Visitors; yea, some to be visitors of the bounds whereof they were already stiled Bishops; to wit, Mr David Lindsay to be Visitor of Rosse, Mr George Gladstones, of Caithnesse, that under colour of visitation they might be put in possession of ecclesiasticall jurisdiction. It was espyed, and the farr greater number opposed, yet by cunning convoy and the King's authority, it was caryed.

The Provinciall Synod of Fife, which conveened at Kinghorn, in September preceding, aggreed upon some greevances to be pre-

sented in certain articles to this Assembly: That the Generall Assemblies were not orderly keept, notwithstanding the Act of Parliament and acts of Assemblies, but the dyets were altered without the knowledge of the Presbytries and Synods; that ministers are called befor the King and Counsell *in prima instantia*, for doctrine and discipline; that the Government of the chief affairs of the Kirk continueth in the hands of some few, under the colour of a commission, to the prejudice of Synods and Presbytries; that Doctors of Divinity and Professors of Divinity were debarred from Assemblies; that the Assembly hath taken no tryall hitherto anent the Cautions set down for avoiding corruption in the Commissioners, voters in Parliament; that there is little deliberation or reasoning had in weighty matters, wherby conclusions passe in Generall Assemblies, almost the half of the brethren gainsaying, which breedeth distraction. Sundry other particulars they regrate. Their greevances were often rejected; but, at last, by reason of their importunity, they were read. Some others were appointed to advise with some of them upon the remedies, which were read in the Assembly and allowed; to wit, That the Generall Assembly be keept according to the Act of Parliament 1592; that his Majesty proceed against ministers according to his owne declaration, enacted in the Assembly holden at Dundee 1597; that all commissions be given and used henceforth according to the acts of the Generall Assemblies; that Doctors having lawfull commission have vote in Generall Assemblies; that the Caveats be looked to and precisely keept in all tyme coming, under the pains contained in the act made thereanent; that nothing be done or concluded in Assemblies except it be sufficiently reasoned and deliberated. But how well wer these things put in practises!

The Generall Commission was renewed, wherewith the same persons were authorized as before.

The brethren appointed to sit on the constant Platt, with the King's Commissioners, produced their overtures, resolving in three heads; [whereof the tenor follows:—]

"If every particular Minister's stipend being assigned out of

the fruits of the Kirk where he serveth, by the benevolence of the tacksmen, that they may grant to the augmentation of the said stipend.

" If there shall be a perpetuall security made to the said tacksmen of their tithes, upon a speciall grassum to be condescended upon for each chalder, for the space of nineteen years; and to be renewed yearly thereafter, for the said space, for the like grassum, upon this condition, that the said principall tacksmen [shall grant and] renew the like security to their sub-tacksmen, for payment of their part of the said grassum *pro rato*, where any subtacks are.

" Or if the great Benefices shall be provided to Ministers upon this condition, that all the kirks of the prelacies be planted with sufficient ministers, and be provided with competent livings, as the modifiers of the constant Platt shall think expedient, and he to pay to the King's Majesty, yearly, the tenth part of the fruits of the said benefice which shall rest by and attour the sustentation of the said Ministers; and that all the inferior benefices shall be provided to ministers serving the cure of the said kirks, as well Personages as Vicarages.

" Or if all the great Benefices shall be dissolved, and the Prelate to have the principall kirk of the Prelacie, with the temporall land thereof, and the rest of the kirks to be provided with qualified ministers; and the said Prelate and titulars of the said kirks to pay a yearly duety to his Majesty, as the benefice may bear, at the sight of the Commissioners foresaid."

The King and the plotters purpose was perceaved. A better overture than any of the three was presented; to wit, A formed Platt for planting all the kirks within the realme, by dissolving of the prelacies, and planting of fifty Presbytries in their place, of which the Commissioners should have vote in Parliament. This was the platforme set downe by Commission from his Majestie and Estates of Parliament, *anno* 1597. This overture found no place; for the plotters had prepared men for their owne purpose. So, by the evil advised multitude, the second overture was accept-

ed, bearing the provision of ministers to all the prelacies, with the conditions therein expressed.

It was thought expedient by this Assembly to nominat and adjoine others to these who were nominat by the Commissioners of the Synods, conveened at Holyroodhouse the 15th of October 1600, out of the which number, his Majesty may make choice of such as he will present to the vacant benefices. The names of the whole number followeth: Messrs Robert Pont, Robert Howie, James Nicolson, Alexander Scrimgeour, John Forbesse, Gawen Hamiltone, George Munro, James Robertson, John Howisone, James Melvill, Andrew Knox, Patrick Galloway, Alexander Douglas, Alexander Lindsay, Robert Wilkie, John Spotswood, William Malcolme, Alexander Forbesse, John Knox, Andrew Lamb, John Clappertoun, George Graham, Robert Bruce, Patrick Lindsay, John Carmichael. This forme of election is different from that which is set downe before the Caveats at Montrose. Sundry have been preferred to prelacies not contained in this roll, nor chosen according to the order condescended upon before, as Mr John Abernethy, now Bishop of Caithnesse; Mr Adam Ballendin, now Bishop of Dumblane; Mr James Law, first Bishop of Orknay, and after Bishop of Glasgow; Mr Andrew Boyd, Bishop of Argyle; Mr David Lindsay, now Bishop of Edinburgh; Mr John Maxwell, now Bishop of Rosse; Mr Thomas Sydserfe, Bishop of Breichen; [Mr John] Leslie, the last Bishop of the Isles. Mr George Gladstones, Mr David Lindsay, and Mr Patrick Blackburne, are not nominat in this catalogue, because they were already presented to bishopricks. Sundry are here nominat for the fashion, and rather for a mock than in good earnest, who were never purposed to accept; to wit, Messrs Robert Bruce, James Melvill, John Forbesse, John Carmichael, John Knox.

As for Mr Robert Bruce, howbeit he was suffered to returne to his native countrey, yet was he never suffered to preach in Edinburgh again. He was content to acquiesce in the proceedings of the Parliament against Gowrie; but that wold not content the King, unlesse he wold promise to professe it publictly in

sermon that he was resolved. And if he had, there is no likelyhood that they wold have suffered him, more than Mr James Balfour and Mr William Watson; for they knew very well the walls of Jericho could not rise, if such a trumpet sounded as it was wont to do in Edinburgh. Nor yet was he suffered to remaine near to Edinburgh, but confyned many years in the North, and, in the end, in his own dwelling-house of Kinnaird, where he ended his dayes the year 1631, [in the 72d year *] of his age.

The same day, (that is, the 25th of February 1603,) that the Commissioners of the Generall Assemblie declared that Mr Robert Bruce his place vaiked, and his re-entrie failled through his owne default; they ordained, the King himself being present, Sir John Ker of Littledeane to adhere to Dame Margaret Whitlaw, (her husband, the Laird of Innerweek, yet living,) with whom he had committed adultery before, and to be absolved from the sentence of excommunication pronounced by the ministers of the South. So weell did their proceedings agree with other. Mr James Law, afterward Bishop of Glasgow, absolved them; but the Lord justifyed, within few years,† the sentence pronounced by the ministers of the South.

The King, in his harrangue in the great Kirk of Edinburgh, the 3d of April 1603, two dayes before his departure to England, thanked God that he had settled both Kirk and Kingdome, in that estate which he mynded not to alter in any wayes, his subjects living in peace. The like he promised for the Discipline of the Kirk, upon the 5th of Aprile, to the Commissioners of the Synod of Lothian, meeting him above Haddingtoune, when he was in his journey to England; but yet [he] could not be moved, at their request, to grant reliefe to Mr Andrew Melvill and Mr John Davidson from their confynement, nor liberty to Mr Robert Bruce to re-enter in Edinburgh. When Ormestoun, a little before, had requested for Mr Davidson, he answered, His hands were bound by a promise made to the Commissioners of the Generall Assembly.

* Bruce was born about the year 1559: see Life prefixed to the Wodrow Society edition of his Sermons.

† See Calderwood's History, vol. vi. p. 205.

A conference was appointed by the King, to be holden in January 1604, at Hamptoun Court. Many expected a reformation of the corruptions of the Church of England; but some wer appointed to reason against them who never took them to heart, and were rather prevaricators, and false, than sincere disputers. The rest were dashed or mocked. Mr Patrick Galloway sent a coppie of the conference, revised, as he alledged, by the King himselfe, to the Presbytrie of Edinburgh, farr different from that which is extant in print, and yet importing but slender or no reformation. Mr James Melvill, being present when it was read, desyred the brethren to have compassion upon their godly and learned brethren in England, who were disappointed of the reformation which they had so long expected; to be grieved with them; and to pray for them.

In February and March following, in a proclamation against Papists, Jesuits and Seminarie priests, the King professed, notwithstanding, that he was much oblidged to him who was Pope for the present. In another proclamation,* the forme of their Church government, [and] the Service Book were ratifyed and approved, and a Convention of the clergie was appointed to treat and agree upon such orders, canons and constitutions, as were to be observed in tyme coming. Their Canons and Constitutions were ratified by the King. So the godly were put out of hope of reformation; and, not long after, 300 ministers were suspended, deprived, silenced or excommunicated. Had we not need then to doubt of the stability of our Discipline?

In the Parliament holden at Perth, in July 1604, when Commissioners were chosen to treat with the English upon the Union, some noblemen, barrons and burgesses craved a clause to be inserted in the commission for preserving the estate of religion, both of doctrine and discipline, in the owne freedome and sincerity. They craved the assistance of the Commissioners of the Generall Assembly; but little thought or care had they of the matter which bewrayed their treachery, and that the overthrow of the Church dis-

* This proclamation relates to the Church of England.

cipline and government was intended, notwithstanding of promises and protestations made in the contrair. Yet William, Earle of Morton, insisted so earnestly in open Parliament, that howbeit the clause was not insert in the commission, yet, in the first act made in favours of the Kirk, it was provided, that religion should not be prejudged either in doctrine or discipline by this Commission: but whether it be extant in the Register, I am uncertaine. Mr David Lindsay, Bishop of Rosse, Mr George Gladstones, Bishop of Cathnesse, and Mr John Spotswood, Bishop of Glasgow, were put up in the roll of the Commissioners; but there followed no inconvenience at that tyme, because the Treatie for the Union was crossed.

In a Synod holden at Tranent in August [1604], Mr John Spotswood and Mr John Law were challenged, for seeking, by indirect means, the overthrow of the Discipline. They protested they had no such intention, but only to recover the Kirk rents; yet the brethren being jealous of their proceedings, urged them to subscrive the Confession of Faith of new with the rest of the brethren. They subscrived the Confession of Faith, printed in folio *anno* 1596, with the rest of the brethren in East and West Lothian. There remain yet alive of the subscrivers, Mr Adam Colt, Mr Andrew Blackhall, Mr Andrew Mackghie, Mr John Adamson, Daniel Wallace, Mr David Ogyll, Nathaniel Harlaw, Mr William Penman, Mr William Arthur, Mr Peter Hewat, Mr Richard Dicksone, Mr Gavin Mackkell, John Ker, minister at Line.

Howbeit the chief watch-towers of our Kirk, Edinburgh and St Andrews, were spoilled and denuded of their faithfull watchmen; Mr Bruce and Mr Davidson confyned; yet the plotters for Episcopacie, and overthrow of our Church government perceaved, that their course could not be so speedily advanced as they wished, unlesse the Kirk were bereft of her liberty to indict and hold free Generall Assemblies; because they were to be comptable to the Generall Assemblies. They laboured that there should be no Assembly at all to crave account, till they got strength and power

to overrule them then as they pleased, nor then, but when they pleased. This was foreseen by judicious and prudent men of the ministery, and sundry means were used for preservation of the liberty of the Kirk. The Synod of Fife dealt with Mr John Hall, Moderator of the penult Generall Assembly, to intreat for an Assembly to be holden before the last Parliament, according to the custome observed in former tymes. He reported, that he had written to the King, but could not obtain it. The Presbytrie of Edinburgh wrot to Mr Patrick Galloway, Moderator of the last Assembly, when he was last at Court, to deall with his Majesty to the same effect. After diverse delayes of answers, at length he promised to return home to that end; but when he and the Bishop of Rosse returned from Court, no such effect followed; yea, they reported in a full Convention of ministers, directed from Synods, that the King had answered, It was needless, because nothing was to be treated at the nixt Parliament but the Union of the two Realmes, whereby the order and discipline of the Kirk was nowayes to be prejudged. The Commissioners from Synods alledged the union could not be concluded, without union of Churches in government and forme of worship; and that such as voted in the name of the Kirk, were bound by the Cautions to propone nothing in Parliament or any other convention, without express warrand and direction from the Generall Assembly. The new-named bishops and other Commissioners of the Generall Assembly, advancers of the Episcopall course, were not pleased with such answers, and, therefore, broke up the conference, as was their custom when they were crossed. When the dyet appointed by the last ordinary General Assembly was approaching, Sir David Murray, Lord of Scoone, brought from Court, among other articles, one for continuation of the Assembly.

The Commissioners of the Generall Assembly, at the King's direction, sent their letters to the Presbytries in June, and prorogat the dyet appointed by the last Generall Assembly to the first Tuesday of July 1605, or a shorter dyet upon new advertisement, declaring it was his Majesty's pleasure. The Presbytries, forbearing

to offend his Majesty, acquiesced, yet ceased not to crave the dyet to be hastened, by reason of urgent necessities. Iniquity did abound; idolatrie did increase; Jesuits and Seminarie priests traffiqued and travelled through the countrey securely; malefactors eluded the inferior judicatories of the Kirk, by appellations to a Generall Assembly, which they did never expect.

The Presbytries of St Andrews, notwithstanding, resolved to keep the dyet appointed by the last Assembly, to wit, the last Tuesday of July 1604; because the warrand of keeping it was greater than the warrand of continuation, seeing the Union intended was nothing hindered thereby. Messrs James Melvill, William Erskine, William Murray were directed, as Commissioners, to that effect, who presented their commission to the parish kirk of Aberdeen upon the last Tuesday of July, about four afternoon, before Messrs Peter Blackburne, James Rosse, Archibald Blackburne, ministers at Aberdeen, John Rough, minister at Nigg, Mr Thomas Nicolson, Commissarie of Aberdeen, George Nicolson burgesse, and Mr Thomas Mollison, Walter Robertson, David Marr, notars, and withall presented their protestation which was read in their audience, and subscrived in their presence. They made their protestations by word conforme thereunto, and took documents and instruments in the hands of the con-notars. In this Protestation they protested, that they were there present for keeping the said Assembly, that it desert not, so farr as in them lay; and protested, befor God, that whatsoever dammage, detriment, or interest the Kirk of Scotland shall incurr by the neglecting of the said Assembly, it be not imputed to the Presbytry of St Andrews: and for remedy, agreeable to the Word of God, laws of the realme, acts and constitutions of our Kirk, and the old practice and liberty thereof, when God shall think expedient.

Howbeit this day was not keept, yet it was prorogated, at his Majestie's desire, by a letter sent the Presbyteries, subscrived by the King's Commissioner and the last Moderator, and continued till the first Tuesday of July 1605, at the farthest, unlesse they were advertised of another dyet sooner, and declared it

was his Majestie's pleasure. The best affected brethren in the North were touched with remorse for their own neglect, when they observed the carefullnesse of the Presbytry of St Andrews, and considered the weight of the matter itself. The three brethren directed to Aberdeen, advised them to direct from the nixt Synod, which was to be holden at Aberdeen, in August, their letters to other Synods, to request them to direct some of their number to be present at the Synod which was to be holden at St Andrews, where they may lay open their greeves, and crave their concurrence for a Generall Assembly. A great number conveened at St Andrews, especially out of the South and the West. Lowrestoun,* (the King's Commissioner for Kirk affairs, after the death of Sir Patrick Murray) being informed that they purposed to hold a Generall Assembly, had letters from the Counsell in readynesse to discharge their meeting; but when he observed their proceedings he approved all, and willed them to warne other Synods, to direct their Commissioners to Perth in October, to conveen with the Commissioners of the Generall Assembly. When they wer assembled at Perth, Lowrestoun desyred the Commissioners from provinces to conveen apart, and to advise upon articles and petitions to be sent with him to his Majesty. They went apart, uttered their greeves to others; regrated heavily the decay of the liberty of the Kirk; the usurpation of the Commissioners of the Generall Assembly, taking upon them the whole government of the Kirk; the inconveniences falling forth thereby in all the provinces; the want of a free Generall Assembly. How soon these things came to the knowledge of the Commissioners of the Generall Assembly, they were not suffered to conveen any longer apart.

Many wold have continued their meeting apart, if the rest wold have consented. When they conveened with the Commissioners of the Generall Assembly, they insisted chiefly upon two greevances: one, That the Commissioners nominat by the last Assem-

* Sir Alexander Stratoun of Laureston (in Angus) knight. In the MS. the name is variously written, Lowrestoun, Lawrestoun, Lauriston.

bly, or rather some few of their number, arrogated to themselves the whole government of the Kirk, and the power of the Generall Assembly; doing and undoing what they thought good, under the name of it; and redacting the Kirk to an oligarchie, notwithstanding, by good reason, their commission expyred, when the diet for the nixt Assembly appointed at the last was past. The other, That the new named bishops took upon them the boldnesse to reason and vote in Parliament, without any commission from the Kirk, to the great shame of the Kirk. To the first, the Commissioners of the Generall Assembly answered, That their Commission was to continue till the nixt Assembly: they were weary of that office, but the King wold deall with no other, and that they wold find, if they attempted anything without them; which last was true: but better none at all, than such. As for the first part, The effects proved that they were not wearied, but that they might continue [they] procured prorogations of the Assembly; for their commission was the chief mean, whereby they wrought their owne advancement. To the nixt, Both bishops and other Commissioners not yet preferred, answered: "Let the breakers of the Cautions be severely censured." "I wold he were hanged," said Mr George Grahame, "above all thieves, that presseth not to the outtermost to see the Cautions keept, to hold out corruption, the pride and tyrrany of bishops;" and yet he himselfe had entered lately to the Bishoprick of Dunblane, without acknowledging the Kirk, contrair to many promises made by himselfe before. The Commissioners from Synods replyed, That ther was not a jot of the Cautions observed, either in the entry of bishops, or in their behaviour after their entry: they neglected their flocks, posted to Court, and returned Lord Bishop. The Commissioners of the Generall Assembly desyred the brethren to reserve their greevances to the Generall Assembly; wherat they promised concurrence, and, if they failled, were content never to be esteemed as brethren again. It was replyed, That all greevances were remitted to a Generall Assembly; and, in the meantyme, such as feared controlment, and had credit at Court, procured continuation till cus-

tome had corroborated corruption, and moyen were made even amongst the ministery, for their advancement and standing betwixt them and Christ by it, when he shall call them to an account.

In the end, they aggried upon four points to be petitioned: First, That a Generall Assembly may be holden without offence of his Majesty, according to the Act of Parliament, and custome of the Kirk. Second, That order may be taken with Papists and contemners of the censures and discipline of the Kirk. Third, That their godly and faithfull brethren persecuted by the English Bishops may be suffered to enjoy their offices and livings. The Court claw-backs oppoñed prophanely and ridiculously to this point, till they were dashed and put to silence. Fourth, Anent the Platt, because some brethren were prejudged by the last modification.

Lowrestoun promised to deall faithfully with the King for these points; but the plotters could undermine all by their secret letters. Mention being made of hastening a Generall Assembly at the last Synod of Fife, holden in Burntisland, Lowrestoun, being now returned from Court, and there present, withstood it with all his might, and shewed he had an expresse article in commission, not to permitt it; howbeit, seven severall tymes supplication was made for preventing the tyme appointed, because of the inconveniences arising through the delay. But the Commissioners answers tended all to delay; yet the Ministery were put in full assurance, that if the dyet wer not prevented, yet the tyme appointed should hold without faill. But when the dyet appointed in July 1605 was approaching, the Commissioners of the Generall Assembly sent letters to the Presbytries to supersede that dyet, till after the nixt approaching Parliament, without intimation of another place or dyet to which the Assembly should be continued. It was not sent till the tyme was so near that one Presbytery could not understand what another had done. And what think ye was to be done at the nixt Parliament? Even the restitution of the Estate of Bishops.

The Ministery having used all these means to procure his Majestie's consent for hastening the Assembly, the last day appointed by the Commissioners former letter of continuation approaching; the Presbytries and Synods, seeing the many inconveniences already fallen forth through the delay of it, and greater like to follow upon the deserting of it, to wit, the losse of the Kirk's liberty to indict Generall Assemblyes, directed their Commissioners to keep the Assembly. For, by the Act of Parliament 1592, the Generall Assembly preceeding must appoint the nixt Assembly following, with his Majesty's or his Commissioner's consent, if they be present. If, therefor, that dyet be not keept, and Assembly holden, there cannot be another dyet appointed by the Kirk; and so there could be no Assembly holden but when it pleased the King and the aspyring Prelates. What great consequence there was in the losse of this liberty, judicious men of the ministery saw then, and the whole countrey feeleth now. Bishops usurp and overrule, without controlment or censure of Assemblyes; Poperie and Atheisme increase; Arminianisme is taught and maintained publickly; innovations are brought into the worship of God; and many are in danger of revolting from the Reformed Religion. The Generall Assemblyes were the bulwark of our Kirk, whereupon dependeth the preservation of the true religion [and] of the purity thereof in doctrine and discipline. Zealous and faithfull ministers were carefull to maintain that liberty which the Kirk hath from Christ, her King, and confirmed by the lawes of the countrey; specially seeing other Estates were so carefull at this tyme to maintain their liberties.

Of the Commissioners directed from the Presbytries, some keept the first [appointed] day of July, that is, the second day, according to the first letter of prorogation sent by the Commissioners from Perth, 4th July 1604. Others come not till the fourth and fifth dayes, because the last letter directed from Edinburgh in June last, when the dyet was approaching, which was subscrived by the same persons that subcribed the former, for staying of the said Assembly, did advise the Presbytries to whom it was directed,

not to keep the first day of July, as if the first day had not been appointed before. So it fell forth, that all that came to Aberdeen keept not one dyet. Whether this was done purposely to frustrate their meiting, that the first seeing so few, and no appearance of moe, might dissolve before the rest came, let any man judge who will observe the proceedings of the plotters hithertill; and then judge, if there be any honesty in such tricks.

Upon the 2d day of July 1605, repaired to Aberdeen these Commissioners from Presbytries: Mr Robert Durie, minister at Anstruther; Mr Andrew Duncan, minister at Crail; Mr John Sharp, minister at Kilmany; Mr Andrew Strachan, minister at Creigh; Mr John Forbesse, minister at Aufurd; Mr William Forbesse, minister at Kinbethok; Mr James Irving, minister at Touche; Mr Robert Youngson, minister at Clatt; Mr Robert Reid, minister at Bancherie-Trinity; Mr Charles Fairholme, minister at Fraserburgh; Mr William Davidson, minister at Rathen; Mr David Robertson, minister at Rugley; Mr John Munro, minister at Taine; Mr Archibald Blackburne, minister at Aberdeen; Mr James Rosse, minister at Aberdeen; and John Rough, minister at Nigg.

After that Mr James Rosse, ordinary minister of the towne, had ended his sermon, they wer purposed to begin the Assembly; but, missing the Moderator of the last Assembly, Mr Patrick Galloway, and supposing that sundry of their brethren were stayed through injury of the weather and rising of the waters, they conveened in the kirk with Lowrestoun, the King's Commissioner, and with mutuall consent continued their downsitting till two afternoon. At two afternoon, they conveened in the session-house of the kirk of Aberdeen. Immediately after incalling on the name of God by Mr David Rait, Moderator of the last Provinciall Assembly holden at Aberdeen, they sent for Mr Thomas Nicolson, the ordinar Clerk of the Generall Assemblies. In the meantyme, Lowrestoun entered, sat downe among them, presented a missive from the Counsell, indorsed to the Ministery conveened in their Assembly at Aberdeen, and desired it to be read and answered. It was answered, That it could not be orderly receaved, read, nor answered,

till a Moderator wer chosen. Lowrestoun named Mr John Forbesse to be mouth to the rest; but they answered, It behoved them to keep the order of election. He removed of his owne accord, lest, as he himself alledged, he should be challenged for seeming to approve the said election by his presence, in case it should happen that he and they could not agree. The ordinary Clerk was desired likewise to do his office, and remain with them; but he refused, till he might see their proceedings content Lowrestoun, and removed himself likewise. Thereafter, Messrs John Munro, Robert Durie, John Forbesse wer put on the leets; but when they wer to remove, the brethren, willing to acquiesce in Lowrestoun's nomination, stayed them, and aggreed that Mr John Forbesse should be Moderator. After that he had incalled the name of God, they chose Mr John Sharp to be their Clerk for the tyme. Thereafter, the Counsell's letter was read and considered. As for the first point, Concerning the dissolving of their present Assembly, it was concluded, that they would suspend all treating of matters till a new Assembly. As concerning the second, which was, Not to appoint any new dyet for another General Assembly, it was thought necessary to appoint a new dyet for the reasons above mentioned; yet they thought it expedient first to acquaint Lowrestoun, and to desire him to nominat a day, long or short, to which they wer resolved to condescend. He returned at their request, and found himselfe well satisfied with their answer to the first point; but as to the second, he refused to assigne any tyme, long or short, howbeit they assured him they were ready, for the respect they had to his Majesty, to continue as befor, to a certain day, if his Majesty desyred them. After reasoning, at length he was brought to consider the expedience and necessity of that point, but wold not condescend, because, as he alledged, he had not a warrand. It was therfor declared unto him, that it behoved them to appoint a day; whereupon he removed himselfe again willingly, howbeit he was desyred by some brethren to stay and hear what was concluded. He alledged as befor, that he did it for fear to be challenged. The door was always ready to be

opened to him, first and last, when it should please him to re-enter. After his removall, the treating of all matters was continued till the last Tuesday of September nixt, the tyme appointed by them for the nixt Assembly to be holden at Aberdeen; and it was ordained, that intimation be made to all the Presbyteries within the realme, that they might send their Commissioners to the place, and at the day appointed.

When they were about to dissolve, Lowrestoun returned, and protested, That he did not acknowledge their meeting for a lawful Assembly from the beginning, because of the absence of the last Moderator and the ordinar Clerk of the Generall Assemblyes. The Moderator, in name of the brethren, protested, That it behoved to be a lawfull Assembly notwithstanding, in respect of the warrand of God's Word, lawes of the countrey, constitutions, continuall custome and practise of the Kirk, and a particular warrant for that day and place subscribed by himselfe, Mr Patrick Galloway, Moderator of the last Assembly, and Richard Thomson, Clerk to the Commissioners of the Generall Assembly. Lowrestoun caused John Wishart, messenger, charge them, under the pain of horning, to suffer their Assembly to desert. The messenger gave the Moderator, in name of the rest, ane coppie of the charge. This was needlesse; for they had already concluded to dissolve upon the expresse desire of the Lords of Secret Counsell's letter. The charge being read and considered, the Moderator, at direction of the brethren, took documents and notes in the hands of the messenger, who was also a notar publick, that they were ready instantly to obey the charge, and that in presence of diverse witnesses. He refusing the benefit of his office in that part, they dissolved after the Moderator had given thanks to God,—went immediately to the common Clerk, Mr Thomas Molleson's chamber, and took instruments and documents in his hands, of their obedience to the said charge.

Upon the Fryday after, come sundry Commissioners from other Presbyteries of Kyle, Carrick, Cunninghame, Lothian, Merce, Strathern. They were partly hindered by the speats of waters;

partly deceaved by the Commissioners missives sent to their Presbyteries to inhibit them, pointing at the fifth day. Mr John Welsh, Mr Nathan Ingles, Mr James Greig,* Mr John Young, Mr Archibald Simpson, Mr Abraham Henderson, Nathaniell Harlaw, Mr Thomas Abernethie and John Rosse, finding the brethren dissolved before their coming, and having receaved a subscribed coppie of their proceedings, went togither to the place where the Assembly was holden, and for the discharge of their commissions, took documents in the hands of two notars, that they were come to keep the said Assembly, and finding the same dissolved, did ratifie and approve the proceedings thereof in their own names, and in the names of the Presbyteries that sent them.

The Commissioners reported their proceedings to their own Presbytries, which were approved in all points, as also by other Presbyteries.

Lowrestoun made a sinistrous report of their proceedings at Aberdeen, and that he had discharged them, by open proclamation, at the mercat crosse of Aberdeen the day preceeding, to hold any Assembly.

Upon the 24th of July, Mr John Forbesse, being in Edinburgh of purpose to satisfy the Lords of Secret Counsell anent the alledged disobedience to his Majestie's charge, was warned by a macer to compear before the Lords of Secret Counsell. There conveened betwixt six and seven in the morning, six Lords and seven or eight Bishops, and Commissioners of the Generall Assembly, Mr Patrick Galloway, Mr James Nicolson, Mr John Hall, &c. They conveened the more timously to prevent the ordinar tyme of the Counsell, where they feared the opposition of some of the Nobility. He was commanded to enter in waird in the Castle of Edinburgh, because he wold not condemne the Assembly holden at Aberdeen; howbeit he was content to submitt himselfe, and the proceedings thereat, to the judgment of the Generall Assembly. Mr John Welsh, being also in Edinburgh, was charged,

* Here, and also at page 138, Scot's MS. makes the name Craig, instead of Greig or Greg, minister of Colmonell, in Stranraer.

by a macer, to compear before the Counsell the nixt day following; because he refused to take his oath *super inquirendis* as he apprehended, howbeit he was willing, upon the knowledge of particular interrogatories. He was committed to the jaylle of Edinburgh till eleven hours, and then both he, and Mr John Forbesse, were transported to Blacknesse.

Upon the 25th of July, charge was given, by open proclamation, to the provests and baillies of burghs, specially of Aberdeen, to suffer no ministers to enter within their bounds upon the first Tuesday of September nixt to come, nor eight dayes before or after to hold any Assembly, as was appointed by the ministers lately assembled at Aberdeen.

Upon the 2d of August, Mr Robert Durie, Mr Andrew Duncan, Mr Alexander Strachan, and Mr John Sharp, being summoned before, compeared before the Counsell, and were sent to Blacknesse, because they refused to condemne their proceedings at Aberdeen.

In the mean tyme the pest broke up in Edinburgh, Leith, St Andrews, and other parts of the countrey.

Upon the 8th of August, Presbyteries, Sessions, Synods, and Ministers in particular, were discharged, by proclamation, to authorise, approve, justifie, or allow the proceedings of the ministers at Aberdeen. Noblemen, gentlemen, barrons, magistrats and other leidges, were charged to report to the Counsell when they heard any minister, either in sermon or private conference, justify their proceedings, or condemn the proceedings of the Counsell, &c., with certification if they failled, &c. Much bussinesse was there made for the annulling of this Assembly, because of their appointment of a new Assembly for preservation of the liberty granted by Act of Parliament; which liberty standing, there was no appearance that Episcopacie could be advanced.

Upon the 3d of October, other fourteen ministers, who had been at Aberdeen, being cited, compeared befor the Lords of the Secret Counsell. Seven of the number wer committed to waird for the same cause that other brethren wer befor: Mr Charles Fairholme,

and Mr John Munro in the castle of Downe; Mr Nathan Ingles, and Mr James Greig in the castle of Dumbarton; Mr James Irving, and Mr William Forbesse, and John Ross, in the castle of Stirling. Mr Archibald Blackburne, Mr Robert Youngson, and some others, were drawn to confesse, that if they had known what they did then, they wold not have holden that Assembly, and, therefor, wer suffered to return to their chairges: but Mr Robert Youngson repented, and compeared at the nixt dyet before the Counsell with the imprisoned brethren. Mr Thomas Abernethie stood to the Assembly, till he heard that he was to be confined in Innernesse; then he desired to be heard again, and submitted himselfe; wherupon he was suffered to return in peace. Some who were at that Assembly wer not cited, and so spared by God's providence.

The Synod of Fife was appointed to be holden in Dumfermling upon the 2d of September; but the ministers were not suffered to enter within the towne; for the Chancellour had given the Provost, the laird of Pitfirren,* direction to that effect, which was contrary to the liberty granted by the Act of Parliament. They went to Innerkeithing to hold their Synod. They agreed upon a fast for the pest; the imprisoned brethren; the restraint of the Generall Assemblies. None, except five or six, wold agree to the holding of a Generall Assembly at the day and place appointed by the brethren assembled in July at Aberdeen; yea, hardly could they be brought to seek a prorogation, because of the nearnesse of the tyme appointed, till May, with consent of the King and other Presbytries; but this took no effect. They had small hope that any supplication would be receaved but from the Commissioners of the Generall Assembly, and feared farther trouble to the imprisoned brethren.

The imprisoned sent an ample Apologie to the King† to clear their cause, by a right information of their proceedings at their

* Sir Robert Halket of Pitferrane.

† This Apology or Supplication to King James, dated from Blacknesse, 2d September 1605, is printed in Calderwood's Hist. vol. vi. p. 322-332.

Assembly holden at Aberdeen, after they had been five weeks imprisoned; and, withall, a supplication for liberty and release; but were not heard.

Because it was thought, that the Kirk was altogither spoiled of power to indict and hold Generall Assemblies, and that we were not to have Generall Assemblies again, a Generall Assembly was proclamed to be holden at Dundee the last Tuesday of July; but no mention was made in what year, which was as much as to say, "*Ad Græcas Calendas.*"

The imprisoned Ministers, after thirteen weeks imprisonment, were summoned to compear befor the Counsell upon the 24th of October 1605, to hear and see it to be found and declared, That they have very contemptuously and seditiously conveened, assembled and proceeded; and therfor, their said Assembly, and approbation thereof, to be decerned and declared unlawfull, and they to be punished in their persons and goods, for their unlawfull holding and approving of the same, or else to shew a reasonable cause why the same should not be done; with certification, &c.

The imprisoned Ministers compeared at Edinburgh the 24th of October 1605, and gave in their supplication, beseeching the Lords to remitt the tryall of their cause to the Generall Assembly, the only judge competent; seeing the lawfullnesse, approbation or disallowance of a Generall Assembly, or proceedings thereof, belongeth to the Generall Assembly, and the Generall Assembly following hath ever allowed or disallowed the Assemblies preceeding and their proceedings; as also because, in the last proclamation, his Majesty expected reparation of all misorders at the nixt Assembly. The supplication was read, but rejected; and they were urged, by the King's Advocat, Sir Thomas Hamilton of Monkland, knight, to answer to the lybell; whereupon they were constrained to give in the declinature following:—

My Lords of Secret Counsell,—Please your Lordships, the approbation or disallowance of a Generall Assembly hath been, and should be, a matter and cause spirituall, and always cognosced

and judged by the Kirk, as Judges competent within this realme: And seeing We are called before your Lorships, to hear and see it found and declared, that we have very contemptuously conveened and assembled ourselves in a Generall Assembly, at Aberdeen, the first Tuesday of July last bypast; and therefore, the said Assembly and approbation thereof, to be decerned and declared to be unlawfull; as at more length is contained in the summonds executed against us thereanent: We, in consideration of the premisses, and other reasons to be given in by us, have just cause to decline your Lordships judgment, as no wayes competent in the cause above specified; and by these presents, We *simpliciter* decline the same, seeing we are most willing to submitt ourselves to the tryall of the Generall Assembly, only judges competent. By these presents, subscrived with our hands, as followeth, the 24th of October [1605.] (*Sic subscribitur,*)

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| Mr JOHN FORBESSE. | Mr JAMES GREG. |
| Mr ROBERT DURIE. | Mr CHAS. FERHOLME. |
| Mr JOHN WELSHE. | Mr ROBERT YOUNGSON. |
| Mr JOHN SHARP. | Mr JOHN MUNRO. |
| Mr JOHN ROSSE. | Mr WILL. FORBESSE. |
| Mr ANDREW DUNCAN. | Mr JAMES IRVING. |
| Mr NATHAN INGLES. | Mr ALEX. STRAUCHAN. |

They were urged, notwithstanding, to answer the lybelled summonds, which they did for clearing of their cause, but under protestation, and adhereing to their declinature. Their answers were amplyfied afterwards, upon occasion of their Apologies and Supplications. The summe of all I have drawn up as followeth:—

Suppose the whole lybell were admitted, it followeth not that their meeting or proceedings were unlawfull; because the true ground and warrant of ecclesiasticall meetings are suppressed, to wit, the liberty which Christ, the Head of the Kirk, hath by his authority given to his Kirk; and yet the civill approbation of the Christian magistrate, moved of Christian duty, in testification of his subjection to Christ, is alledged as the only warrant. For

this was holden as a sure ground, that the office-bearers of the Kirk may assemble when need requires, in name and authority of Christ, the Head of the Kirk, for exercise of discipline and ordering the affairs of the Kirk; that no King, Prince, nor Magistrate may bereave them of this power and liberty, but ought to maintaine and conserve the same; that the magistrate's power is cumulative, not privative. And farther, Mr James Melvill, in his Apologie for the imprisoned,* willeth it ever to be observed, "that the Assemblies convocated, by the King appointing tyme and place by his letter and proclamations, (suppose there were an hundreth of them,) are not the ordinary Assemblyes of the Kirk, because they flow from the civill magistrate; which is the ordinance of man, and is not χαρισμα πνευματικον, a spirituall gift and ordinance of Christ, the Head of his Kirk." He desireth it also to be observed, that, in the Act of Parliament 1592, the King and Estates take not upon them to give power to conveen in Generall Assemblyes, but do only ratify and approve their power already given by the authority which God hath given them.

To the reason alledged for contempt and sedition, That against the provision of the Act of Parliament 1592,† they conveened and proceeded, not only without his Majesty's or his Commissioner's consent, but contrary to his expresse command, and wer signified by the Commissioners in their letter, the Counsell's missive, Lowrestoun his Commissioner, and against a publick charge of horning, proceeding upon an act of Secret Counsell, executed against them at the crosse of Aberdeen, the day preceeding: It was answered then, and before, and after, as they were urged, That the Act of Parliament is no instituting law of Assemblies, but a simple approbation of them as they are appointed by the Kirk; that in the

* "An Apologie for the Prisoners of the Lord Jesus, presentlie in the Castle of Blacknesse, September 1605," written by Melville, is contained in Calderwood's History, vol. vi. pp. 298-322; and also in the Wodrow Society edition of James Melville's Diary, pp. 593-6.

† This famous act contained an express provision, that the King or his Commissioner, along with the Ministers, should appoint the time and place of the next meeting of the General Assembly.

said approbation, it is declared, that it shall be lawfull to the Kirk to hold Generall Assemblies once in the year, and oftener, as occasion shall requyr; that the provision of the act imports not nullity of the foresaid liberty or approbation, but rather the contrary; because it concerns no wayes the action of conveening or holding Assemblies, but only the nomination of tyme and place, and that not simply, but upon condition of their presence, where the Assembly is holden, neither yet absolutely, although they be present, but conjunctly with the Assembly; and, lastly, because the said provision, in the last part thereof, beareth expressly, that it shall be lawfull to the Kirk by themselves, without either his Majesty or his Commissioner in case of their absence, to appoint tyme and place for the nixt Assembly, and so consequently to assemble and proceed without either his Majesty's or his Majesty's Commissioner's presence or consent. Mr James Melvill, in his Apologie, desireth it to be considered, that the provision is not privative or derogative to the lawfullnesse of the meeting ratified by the act, with this or the like clause—" otherwise not," so that if the provision be not observed, the licence shall be null: but added only for the strengthening and furtherance of the Assembly, that his Majesty, by himself or his Commissioner, shall concurr; as the clause added clearly beareth, where it is said, " As they have been in use to do these tymes bypast." But to come to the assumption, They had his Majestie's consent in the Generall Assembly, holden at Halyroodhouse in November the last, before his departing out of the countrey, where he voted first, that the nixt Assembly should be holden at Aberdeen the last Tuesday of July 1604. Howbeit that dyet was not keept, yet it was prorogat at his Majestie's desire, by letters sent to the Presbytries subscrived by his Commissioner, Lowrestoun, and the Moderator, Mr Patrick Galloway, and continued till the first Tuesday of July 1605; which day was keept by the imprisoned ministers be the direction of their Presbyteries.

As for the letter sent by the Commissioners of the Generall Assembly to the Presbyteries, a little before the appointed dyet,

1. It did bear no command, but a simple advice. 2. The imprisoned had a more authentick and more evident signification of his Majestie's will, declared in the Assembly holden last at Halyroodhouse, where, with his owne consent, tyme and place were appointed; which dyet was prorogated to another at his direction: which was more authentick than any alledged discharge sent in article from the King to the Commissioners. 3. At that same Assembly, all power of prorogation, or altering tyme or place of the Assembly, was taken from the Commissioners, with his Majestie's owne consent, for remeed of the greevances given in to that Assembly, for the delayes and alterations made by them, without advice of the Synods and Presbyteries: where also it was ordained, that the dyets of Generall Assemblies be appointed and keept, precisely according to the Act of Parliament 1592, which was of greater force than the Commissioners [letter], who had no power to discharge. 4. The ordinance of the Assembly, the Act of Parliament, the continuall practice and custome of the Kirk, requyred a definit prorogation to a certain day and place; but their letter appointed no other day nor place: which imported rather a plain deserting, than a lawfull continuation, and consequently a losse of the liberty which was ratifyed by Parliament, and therefore could not, with a safe conscience, be obeyed. And lastly, their advice was, not to keep the first day; but their Assembly was holden the second day according to a letter direct from them befor. Of their policie in pointing out the fifth day for the second, we made mention before, and what effect it wrought. It is true, it was their intention to discharge *simpliciter;* but it was not the duty of ministers to quyt their liberty.

As touching the Counsell's missive, they were conveened with Lowrestoun's owne advice and consent, and their convention sanctifyed by incalling of the name of God. Before the missive was presented to them, he mett with them, and presented the missive to them as lawfully conveened, and requyred an answer to it. It was read and considered, and obeyed in all points, except the indiction of a new day, which, for preservation of the liberty of

the Kirk, could not be omitted without perfidie. What contempt is it to deny the request of the Counsell, when contrair to a law?

As for his Majesty's Commissioner his credit and disassenting, he made no opposition to their downsitting, but consented; secondly, he presented the Counsell's letter, desired it to be read, considered, answered, and removed himselfe to that effect; thirdly, he acquiesced, and was satisfied with their obedience to the first part of the letter, touching their dissolving; and as touching the second part, the nomination of a new day, he denyed that he had any commission at all theranent, and therefore refused, either by himself or with them, to appoint a new day. Neither did they make any indiction till, after reasoning, he was forced to confesse that they had reason to stick on that point, howbeit he could not consent thereto himself, as having no commission to that effect; and till that, plainly he had signified to them, that it was thought they should never have a Generall Assembly therafter.

As concerning the charge of horning execute the day before, there was no intimation made of any such charge, either by himself or by his officer, or any other in his name; neither was any such thing known to them, as they were ready to depone upon their oath. Second, Lowrestoun being conveened with them, gave them just occasion by his speeches to conceave there was no such thing; for he affirmed, that although he might have had charges, yet he wold rather use the Counsell's letter of request. Third, The pretended execution and indorsation bewrayed the forgerie, bearing that it was an open proclamation warranted by two witnesses, Lowrestoun's own domesticks allanerly; whereas diverse honest men, at the time alleged, were in and about the publict mercat place, and yet no man could be found to bear witnesse that he heard it, except these his two domestics. Fourth, Why caused he charge them personally upon the second day when they were conveened, and about to dissolve, without mention or intimation of any charge the day preceeding? Fifth, Though the execution had been true, yet it cannot import the punishment contained in the lybell, seeing it was not according to the Act of Par-

liament, Jam. VI. Parl. 11. 1587, which beareth, That no letters importing tinsell of life or moveable goods, shall be of force, except they be execute in open tyme of day, betwixt eight hours in the morning and twelve at noon, before famous witnesses. But the indorsation of the pretended execution, did bear, that they were executed betwixt seven and eight in the evening. Sixth, When they were charged personally, upon the second day of July, where they were conveened, they obeyed, as the instruments taken in the hands of three notars could testify. The truth is, this charge could neither bring them in contempt, nor call their proceedings in question, because it was given after that they had done all that they had to doe for that tyme. Therefore that other charge was forged, as given publickly at the crosse of Aberdeen, the day preceeding the Assembly, and was given in by the Laird of Lowrestoun as executed against them to the Counsell. Which charge, by diverse supplications given in to the Counsell, the imprisoned offered to reduce and disprove; but could never be heard. And yet, by virtue of that pretended charge, were they put to the horn.

Albeit all the former grounds of intimation of his Majestie's will were true, and had come to their knowledge, yet could they not be found guilty of contempt or sedition in their meeting or proceedings; in respect of the Act of Parliament, Jam. VI. Parl. 6, 1579, act 92, and law made in Robert the II. dayes, cited *De Verborum Significatione;* both freeing the civil jurisdiction and judgment from all contempt of his Highness authority, or of the Lords of the Secret Counsell, albeit they should proceed in judgment according to the law, notwithstanding any private writing, charge or command directed in the contrary, by his Majesty, or the Lords of Secret Counsell, or any command directed to them, under the Great Seal, Privie Seall, or Signet, repugnant to the law; whereupon it must follow, much more a spirituall judicatory, that has no institution nor ground from civil authority, but from the Word of God, which is in nature different and distinguished by the ordinance of God, and laws of the land: and albeit not instituted, yet approved by the Acts of Parliament, it may proceed lawfully, not-

withstanding of any foresaid signification of his Majestie's will in the contrair, or the Lords of Secret Counsell, and yet be free of all contempt or seditious proceedings. In the Assembly holden at Dundee in May 1597, Sess. 7, the article, that there be no convention of pastors without his Majestie's knowledge and consent, &c., the King being present, his consent was declared to be extended to all and whatsoever forme of Generall Assembly or Speciall, permitted and authorised by his Highness' laws, according as they have warrant in the Word of God, as being the most authentick forme of consent that any King can give. Nixt, The King's Commissioner was not only present with them, but agreed to their down-sitting; acknowledged their authority by presenting the Counsell's missive; craved an answer to it; and consented to diverse things done at that meeting. His consent was craved in every thing, and obtained in some things.

As for the formality of their proceeding, their work being such as concerned the Government of the house of the Lord, and so therein subject to the censure of the overseers of God's house, so they submitted themselves and their proceedings to be censured and judged according to the Word of God, by a lawfull and free Generall Assembly; yet in their Apologies, written upon occasion at other tymes, they justify the formality of their proceedings.

And first, That the Moderator of the last Assembly was not present was no impediment to them to hold an Assembly, seeing his absence was through his own default and undutifully, and therfore, another was chosen in his roome. There was no preaching at the beginning of the Assembly, because the last Moderator who should have had the exhortation came not, and no other wold undertake it, upon so short ane advertisement; yet it was supplyed by the ordinary doctrine of one of the ministers of the towne where they conveened. As for the election of the new Moderator, the leets were made, after prayer conceaved by the Moderator of the Synod at their appointment, seeing one behoved to do it. As for not removeing those who were upon the leets out of the Kirk till one of the number was chosen, it was needlesse. Such circum-

stances were not to be stood upon, when the substance was in perill. Neither ought they to challenge this forme, who challenged it, (the Commissioners of the Generall Assembly,) if they wold have called to rememberance, how that, at the Assembly holden at Perth *anno* 1596, without any doctrine or leets, the ordinary Moderator, Mr Robert Pont, being absent, Mr David Lindsay, at the nomination of two or three brethren, entered Moderator, the rest who wer present not being asked. As for the ordinary Clerk, he refused to do his office, through fear, being threatned by Lowrestoun, the King's Commissioner: therfore he was dispensed with, and another, one of their owne number, was chosen to be their scribe, as was the custome of Synods and Presbyteries. As for the place, it was not private; but the place where the Presbyterie or Synod sitt ordinarly, and as publick as the Counsell house of Dundee or Edinburgh, where Generall Assemblies have sometymes been holden. Such trifling matters are not to be stood upon when they are unavoidable.

As for the rarity of their number which mett, that proceeded partly of the weather, partly of the Commissioners' trick in pointing at another day in their last letter than was appointed befor, which caused some come only against the fifth day. Nixt, In an Assembly of the servants of Christ, where the number is not defyned by a law, rarity maketh it not unlawfull, specially where the meeting is ordinary and established by law, to which all that have interest may resort, and which may be judged lawfull and approved by the nixt ordinary meeting, like as this was already approved by many Presbyteries. Thirdly, For any thing was done, there were moe than needed, a number sufficient to fence the Assembly with prayer, and to continue it to another day for causes moving them, with thanksgiving in the end. This hath been practised in our Parliaments and in the Kirk before, as at St Andrews, in Aprile 1597, wherof we have made mention before.

As for those that came after, they had the like commission and the same warrand to come. The not keeping the right day was to be imputed to the Commissioners of the Generall Assembly. As

for their approbation, they could understand no unlawfullnesse in the proceeding of their brethren, seeing their approbation concerned only their written processe according to the subscribed coppy receaved by them. Equity requyreth that the Generall Assembly should judge, befor their approbation be judged unlawfull. In the written processe they found no signification of any preceeding charge, the chiefe ground of the alleged contempt. Last of all, that it was against all order that Commissioners, directed from their Presbyteries, should be challenged for executing their commission, namely, the execution being approved by their Presbytries, and the Presbytries themselves past by.

The Counsell giveth out sentence against them according to the summons, notwithstanding of their declinature, and answers given in to clear them of the crymes alledged against them in the lybell, but, under protestation, that they nowayes admitted their Lordships as judges competent in this cause, persewed against them anent the Generall Assembly. So they were remitted to their severall wairds.

The discovery of the Powder Treason made men to think that the King wold desist from troubling of poor ministers, either in England or in Scotland, where all the congregations were requyred to give thanks to God for so great a benefit. But the Earle of Dumbar was sent downe from Court, in the beginning of January, to put six of the number, to wit, such as were imprisoned in Blacknesse, to the tryall of an assize: Mr John Forbesse, Mr John Welsh, Mr Andrew Duncan, Mr Robert Durie, Mr John Sharp, Mr Alexander Strauchan. They were put to the tryall of an assise the 10th of January, and brought out of Blacknesse to Linlithgow tymously in the morning; not having had a sufficient tyme to advise with the Advocats anent their defences, howbeit they were to answer in a matter concerning their life. Before they were brought to the barr, some counsellors were directed to them to move them to take up their declinature. After they had advised with some other brethren of the ministery, of which number Mr Adam Ballantyne was one, they answered, They were content to take up

their declinature, providing the Counsell wold delete the whole processe and decreet standing against them. The Lords answered, The Counsell could not annull the decreet, it being registrat. Others were directed again to them with some advocates, and advised them to passe from their declinature *pro loco et tempore;* assuring them that the Counsell wold passe from all processe and persute. Howbeit they were clear and resolut in the cause, yet they wold not answer without advisment with their brethren, who were come to the towne, to the number of thirtie or thereabout. It was thereafter answered, That the testimony given could not be called back again, without prejudice of the truth. They desired likewise to be suffered to advise with their owne Presbytries at home, upon caution to returne to prison; but it was refused.

The whole brethren accompanied the six imprisoned ministers to the barr, about one afternoon. There were present the Lords of Secret Counsell; John, Earle of Montrose; Alexander, Earle of Dumfermling, Chancellour; John, Earle of Marr; Alexander, Earl of Linlithgow; George, Earle of Dumbarr; Patrick, Lord Glammes; Alexander, Lord Elphingstoun; James, Lord Abercrombie; David, Lord Scoon, Countroller; James, Lord Balmerinoch, Secretar to his Majesty, and President to his Highness Colledge of Justice; Mark, Lord Newbattell; John, Lord Murray of Tullibardine; Walter, Prior of Blantyre; John, Commendator of Holyroodhouse; Sir James Douglasse of Whittinghame; Mr John Prestoun of Pennycook, Collector to his Highnesse; Sir Richard Cockburn of Clerkingtoun, Lord Privy Seall; Sir Robert Melvill of Mordocarnie knight; Alexander, Master of Elphingstoun, and Sir William Livingstoun of Killsyth, to assist the Justice-Deputt, Mr William Hart, as assessors in this cause. Sir Thomas Hamiltone of Monkland knight, compeared as advocat against them. So the Counsell was both their partie and judge. They desired that Mr Thomas Craig and Mr William Oliphant might be urged to plead for them; but the Justices refused it, howbeit according to law, he [they?] might have done it.

Mr Thomas Hope and Mr Thomas Gray undertook the cause.

At that tyme, indeed, Mr Thomas Hope pleaded faithfully and skilfully for the Kirk. The dittaes wer read, importing their treasonable declinature of the King's royall authority, grounded upon an Act of Parliament *anno* 1584.* The substance of Mr Thomas Hope's defence was as followeth :—That their declinature was not against either the title or intention of the law; (but I judge it should be for the law,) and was only made against such as did derogat from the King's royall authority; but their declinature left full to him his owne soveraignty. The law served only against such as were summoned *super inquirendis;* but they were accused and committed to prison for a deed and an action. Their declinature was only proponed by way of defence, and, therefor, cannot be counted treason. The law, having the penalty of treason to strengthen it, is odious, and therfor, should not be enlarged, but rather restrained. That which is treason in one case expressed, is not to be extended to other cases not expressed. That law judgeth not such a fact to be treason, but only forbiddeth such a thing under the pain of treason. The act bearing allenarly the incurring of treason, the pain can never be justly inflicted, unlesse the fact be found treasonable by the law. No law defineth the declinature of an incompetent judge to be treason; neither did they decline the King's judicatory simply, but the Counsell's, and only in this and the like causes. That they were ever, and yet are content to be judged by his Majesty and the Generall Assembly; seeing, according to the Word of God, and lawes of the realme which have distinguished the civill and ecclesiasticall jurisdictions, the matters of the Kirk ought to be judged and cognosced by the Kirk and her Assemblies, which wer as well ratified and confirmed by the lawes of the countrey, as any other judicatory. To judge of the lawfullnesse or unlawfullnesse of a Generall Assembly be-

* In the second Act of this Parliament, the King, his heirs and successors, by themselves and their Councils, are declared judges competent to all persons spiritual or temporal, in all matters wherein they shall be apprehended, summoned, or charged to answer such things as shall be inquired of them by our Sovereign Lord and his Council: And it is statute and ordained, that none decline the judgment of his Highness, his heirs and successors, or their Council in the premises, under the pain of treason.

longed to the Generall Assembly, and hath been the practice of our Kirk, even when his Majesty was present; as, for example, the Assembly holden at Perth, *anno* 1596, was controverted, notwithstanding his Majesty was present at it himselfe. He was so farr from claiming the judgment of the lawfulnesse of it to himselfe or to his Counsell, that at the nixt Generall Assembly holden at Dundee, he did require the question to be decided there, as properly belonging to that judicatory. It hath been lawfull and in continuall practice, that his Majesty and Secret Counsell, in sundry causes, have been declined, and the cause drawne to the ordinary competent judge; as matters civill to the Session; matters criminall to the Justiciarie; matters of divorcement to the Commissars; yea, the meanest regality hath power to decline Supreame Justiciaries. Farther, that Act of Parliament was repealed by another act *anno* 1592, which derogated from the former, in so farr as it was prejudiciall to the office-bearers of the Kirk, in matters of religion, heresie, excommunication, collation of benefices, and deprivation of ministers, ecclesiasticall censures, &c. The King's Advocat alledged their contempt of the King's letters of horning, and the command of the Counsell, which was answered befor; that in all matters, as well as *in super inquirendis*, a declinature was treasonable; that the holding of an Assembly at any certain day or place is not one of the particulars mentioned in the statute 1592, and, therfor, doth not abridge the statute 1584: but this was sufficiently answered before, in their answers to the libell. It is to be remembered, that the Act of Parliament which is the ground of the processe, was made in a tyme of desolation, both of the Kirk and Commonwealth, when the chief men, both of Kirk and Commonwealth, were forced to forsake the land; neither was any convict before of treason for their declining the Counsell, notwithstanding of the said act.

Befor the pronouncing of the interloquitor, because some might have offended at the word *simpliciter*, in the declinature, where they say, "We decline the judicatorie of the Lords of Counsell *simpliciter*, in the cause foresaid," as if they had declined *simpliciter* their judicatorie; the pannelled explained the clause, and protest-

ed to the Lords, that in all civill matters they acknowledged his Majesty, and the authority of his Privie Counsell, as farr as any other subject; but as for the affairs of Christ's kingdome, ecclesiasticall affairs, which God had distinguished from the former, they lawfully did decline the judgment of any civill judicatorie. The interloquitor was not formally voted, but pronounced after secret rounding.* The Justice-Deput, Mr William Hart, gathered the votes on the one side, and Chancellour Seaton on the other side. All the exceptions and defences alledged were repelled, and the interloquitor pronounced, as if all the assessors had agreed to the same, howbeit some made opposition in the mean tyme; yea, some of the Counsell reported, that none consented to the interloquitor, but only the Earle of Dumbarr, the President, the Chancellor, the Earle of Montrose and the Comptroller. And indeed, Mr Thomas Hope wan such credit that day, that it was steadable to him ever after, till he himselfe became the King's advocat. Mr Thomas Gray, a man both zealous in religion and skillfull in the lawes, was not deficient on his part.

After the interloquitor was pronounced, the assize was called and taken sworn. The most part were utterly ignorant of such matters, or prophane atheists and godlesse livers; Mark Swinton of Innerkeething [was] a Papist. Neither was the matter reasoned in presence of the assize conforme to the law; the most part of them being unentered in the place of judgment, till they were called to be sworn, and inclosed. The assisers were these following: Sir John Livingstoun of Dunipace; Sir Archibald Sterling of Keir; Sir John Forrest of Cardenn; Sir John Hume of North Berwick; Sir George Hume of Broxmouth; James Shaw of Sauchie; Mark Swinton of Innerkeithing; Henry Stewart of Craighall; George Hume of the Deanes; Gavin Hume of Johnscleugh; Thomas Livingstoun of Panton; Robert Livingstoun of West-quarter; Sir Patrick Hume of Polwart; James Gibb younger of Carribber; Alexander Hume of Rentoun. The Earle of Dumbarr had drawne on a number of his owne surname of Hume to be upon the assize.

* *Rounding*, whispering.

Some of them had suites at Court. Some of them were mean men and might be easily induced, or terrifyed. Many were unknowne to the pannelled, untill they were there presently nominated. Yet they made no exceptions, because they feared others, as prophane, might be chosen in their roome; for they perceaved how matters wer contrived. Craigiehall, a dissolute man, and at the horn, was chosen to be Chancellour of the assise.

Their Advocat desyred the assizers, first, to consider that it was not the naked deed of declyning that was the dittay of the impannelled, but the quality of the deed, to wit, that it was a treasonable declinature which was to be tryed; therfor desyred them to judge whether the declinature was treasonable or not. The assise, notwithstanding, was commanded to cognosce, and make inquest of no more but that they had declyned, in respect the Justice and Lords had already found it treasonable. Their Advocat willed the assisers to remember his defences, which he resumed shortly, and to judge truely and equitablie, and not according to the alledged lawes, not only repealled and abrogated in part, and made in a violent tyme, [but also] not well grounded, against which at the very proclaming at the mercat croce of Edinburgh, Mr Robert Pont and Mr Walter Balcanquall, in name of the whole Kirk of Scotland, took protestations and documents of their disassenting, in the hands of George Mackeson, notar publict. After he had subjoined his exhortation, Mr John Forbesse followed, and deduced summarily their proceedings at Aberdeen; explained the word *simpliciter*, which they used in the declinature; willed the Lords and Gentlemen of the assise to remember, that they wer as well bound by the Confession of Faith to mantain the discipline professed in our Kirk as they were. After that he had read a passage of the Confession concerning this purpose, he inferred they could not but be guiltie of perjurie if they decerned, for pleasure or fear of any man, that to be treason which they had subscribed themselves. Mr John Welshe followed, with his discourse upon the grounds of their declinature, and willed them to understand, that they were not the first that declyned the

Counsell in the like cases; that ther was a declinature of the King and Counsell subscrived by three or four hunder ministers, or thereby; yea, by some of the Commissioners of the Generall Assembly, and those who wer called Bishops, who were then the only men that procured all their troubles, and upon whom they there laid the burden of all the troubles which they had suffered or were to suffer. He read, likewise, a passage of the Confession of Faith, which concerned the present purpose. The King's Advocat interrupted him, and willed the assize to consider, that they had no more to try, but whether the impannelled had declined or not, which was not denyed. The Justice-Deput desired the assize to remove in all haste. Mr John Forbesse, perceaving there was no longer stay, charged the Earle of Dumbar to report to his Majesty, in their names, what punishment followed upon the breach of the oath made to the Gibeonites, and how the like was to be feared was to fall upon his Majestie, his posterity and the whole land, if they violat the great oath which they had made; and then he read another passage, of the Confession, which concerned equivocation and double dealling.

After the assize was inclosed, Dunipace moved so the assize, that they were inclined to absolve the impannelled. Whereupon some were directed to deall with the assisers, and some wer appointed to deall with the ministers of the pannell; whereas, according to the lawes, none should have accesse to the assisers after they be inclosed; for by the statute made in the eleventh Parliament Ja. VI. July 29, *anno* 1587, act 91, it was ordained that all assisers be inclosed, and none suffered to repair to them under any pretence whatsomever, nor any one of the assise to come forth, till, after agreement, they return their answer to the Judge: otherwise, the person to be pronounced clean, and innocent of the crymes alledged, and laid to his charge. So if the benefit of the law had been granted to them, they should have been declared innocent; for it was sufficiently known that the Chancellour of the assise came forth to the Justice and the Lords, and some, to witt, the Clerks, resorted to the assise. Much travell was taken to per-

swade the assisers, that no harme was intended to the impannelled in their person, life, or goods, to induce them to fyle the impannelled; yet six of the number cleansed them *simpliciter:* Sir John Livingstoun of Dunipace, Sir Archibald Stirling of Keir, Gavin Hume of Johnscleuch, Robert Livingstoun of West-quarter, Thomas Livingstoun of Panton, James Shaw of Sauchie. When the Chancellour of the assise returned, and reported the verity of the jury, Dunipace professed he absolved them not only as innocent of treason, but also as honest ministers, faithful servants to Christ, and good subjects. It was no excuse to the rest to fyle them upon assurance of their life; for the imputation of a cryme is as grievous to an honest man as the losse of his life.

The Judge continued the sentence till the King's will and pleasure should be farther known, and ordained the empannelled Ministers to be carried back to their wairds, and to be straitly keept, that no man have accesse to them. The Ministers embraced one another, and thanked God for his presence in the whole action. They were conveyed to the place about ten hours at night, and some of the guard were appointed to attend upon them. The people said, "Certainly it is a work of darknesse to make Christ's faithfull ministers traitours. God grant the King were never in greater danger than by such traitors." Upon the morne they were convoyed to Blacknesse. Messrs Andrew Melvill, James Melvill, John Carmichaell, and other ministers accompanyed them, where they parted with thanksgiving, prayers, and many teares, and more confirmed in the cause.

The King and the Commissioners of the Generall Assembly thought it now fitt tyme, when the ministers imprisoned in Blacknesse wer convicted of treason, to try the patience and constancie of the rest of the ministery; so terrifyed, as they supposed, with the trouble of those, that they thought nothing wold be refused. Therefor the whole Synods of the realme were, by the King's direction, appointed to conveen in the month of February, in their owne shyres and bounds *respective,* all upon one day. So one Synod could not understand the resolution of another. The King

had his Commissioner or Commissioners at every Synod, to crave answer to the five articles.

These five Articles following wer directed to the Synod of Merce and Tiviotdaill, with Mr David M'Gill younger, a Senator of the Colledge of Justice, and Mr Gavin Hamilton, Bishop of Galloway.

1. That in the nixt ensueing Generall Assembly, no former acts made in any preceeding Assembly (his Majesty being present), be in any way touched, altered, or interpreted.

2. That the estate of Bishops be not meddled with, but continued in the same condition they are presently in, till his Majestie's farther pleasure and will be knowne.

3. That there be no alteration of any of the Commissioners, except upon the tryall of some notable fault in their doctrine, life, and conversation.

4. That notwithstanding of any appellation, the Commissioners shall proceed; they always for their proceeding being answerable to the nixt Generall Assembly.

5. That they acknowledge the warrant of their meetings to come by permission of the Prince.

Whether the same Articles were directed to all the Synods, or others more grosse, as was reported, I am uncertain; but the Synod of Merce and Tiviotdaill rejected those above expressed; and others did the like, or referred to the Generall Assembly.

The ministers of the French and Dutch churches at London, being misinformed, and stirred up by some courtiours and court ministers, sent a letter to the ministers of Edinburgh, to regrate the behaviour of the imprisoned ministers. Whereupon the Ministers imprisoned in Blacknesse returned answer, or a true Apologetick; and likewise wrote a prolix and pithie Letter to their brethren here at home, wherein they deduced their proceedings since their Assembly holden at Aberdeen; which I omitt, because the proceedings have already been sufficiently deduced in the preceeding history. Only this is to be remembered, that they paint out the Commissioners of the Generall Assembly in their owne colours; affirming,

that, under the pretence of a limited commission from the General Assembly, they arrogated to themselves the full jurisdiction and authority of the Kirk in all things, and dayly did promove their intended change of the estate of our discipline, in bringing us under the bondage, first of a perpetuall *dictatura*, under the title of Commissioners, as the fynest cover of their intentions, and nixt of antichristian slavery of the Hierarchie; that their purposes were discovered by their speeches, by the presentation of some of them to their Bishopricks, with full authority over their brethren, and sundry other signs; but especially by open profession, in publick, at all the Synods of late, where the perpetuall dictatorship and lordly domination is perceaved to be the chief stay of our Assembly, which they fear must needs fall if these hold, and is the chief cause which moveth them with such hatefull enmity to persist against them for their meeting at Aberdeen; because thereby they thought their enterprise, almost accomplished, was somewhat impeded.

By the craft of the Bishops, report was made to the King that Chancellour Seaton was upon the counsell of holding an Assembly at Aberdeen. Wherupon the Earle of Dumbarr was sent downe to try him; but, partly by the assisting of his friends at home, and partly by the Queen and the Inglish Secretarie their moyen, he enjoyed still his office, without exact tryall whether it was true or false; and so Mr John Spotswood, Bishop of Glasgow, the delator, was disappointed at that tyme.

In the moneth of July 1606, a Parliament was holden at Perth, wheras befor it was appointed to be holden in Edinburgh. The pretended cause of the change was the pest, which was almost none at all. But Perth was, at that tyme, a place fitter for setting up of Bishops upon the stage of honour than Edinburgh, where they were most odious.

At this Parliament, the Commissioners of the Generall Assembly were urged by Commissioners from Presbyteries, to crave that the Cautions might be insert in the Act of Parliament, which was to be made for confirmation of the Estate of bishops. They went to the

Lords of the Articles for a fashion, knowing, very well, that it wold be refused. Chancellour Seaton said plainly, "We enter not Bishops according to the act of an Assembly, but according to that they were an hundred yeares syne." The Commissioners urged no further, howbeit this answer was not answerable to the provision made in the act 1597, concerning ministers vote in Parliament; nor agreeable to equity, that ministers should vote in Parliament, the Kirk not consenting, or, at least, not consenting but upon conditions, and with limitations, agreed upon by the King himself and his bishops. The Commissioners from Presbyteries had no place to urge, nor yet wold have been heard; that charge lying upon the Commissioners of the Generall Assembly. They desired them to censure Mr John Spotswood, then Bishop of Glasgow, who had spent the greatest part of the sermon he had before the Parliament against the established discipline; but they refused. Mr Patrick Galloway having taught upon the Lord's day, in tyme of Parliament, that it was not the King's intention to sett up Bishops, Lords in Parliament, to be lords over the brethren, or to have any jurisdiction over them; and, therefore, to prevent corruption, Cautions wer set downe by his Majesty and the Generall Assembly, which, if they contraveened, they shall be esteemed infamous, the Ministers moved the Commissioners of the Assembly to conveen, and offered to prove that the Bishops had broken all the Cautions, both in their entry to their bishopricks, and in their behaviour after. But the Commissioners of the Generall Assembly referred the tryall to the Generall Assembly, which, said they, is to be holden at Dundee the last Tuesday of that instant month of July. But at the rising of the Parliament it was prorogat till May 1607. So there was no true meaning neither in their words nor their deeds. Mr William Couper, minister at Perth, had a sermon before the Estates the day preceeding the sitting down of the Parliament, to the great contentment of all the godly; which is yet extant to his great conviction. But none was suffered to preach again during the tyme of the Parliament, but such as favoured the course of Episcopacie. To this end it was alledged,

that the King had sent downe expresse direction who should preach.

The Ministers, finding that the Cautions were not admitted by the Lords of the Articles, thought it necessary to protest. A protestation was formed by Mr Patrick Sympson, minister at Sterling; wherunto Mr James Melvill added a part, which he amplifyed after, and confirmed in every point. The protestation was subscribed by these ministers following: Messrs Andrew Melvill, James Melvill, William Scot, James Rosse, John Carmichael, John Gillespie, William Erskine, Collin Campbell, James Murehead, John Davidson, John Mitchell, John Coldan, John Abernethie, James Davidson, Adam Banantyne, John Row, William Buchanan, John Kennedie, John Ogilvie, John Scrimgeor, John Malcolme, James Burden, J. Bleckfurd, James Strauchan, James Row, William Row, Robert Mercer, Edmond Myles, John French, Patrick Sympson, John Dykes, William Young, William Couper, William Keith, Henry Duncan, James Mercer, Robert Colvill, William Hogg, Robert Wallace, John Weems, David Barclay, William Cranstoun; Mr David Calderwood, and some others, who coming to Perth afterward, subscribed likewise. Of these who subscribed three turned afterward Bishops: Mr John Abernethie, Mr Adam Banantyne, and Mr William Couper. In this protestation they desyred the Estates to remember, if they should authorise the preheminence of Bishops above their brethren, they wold bring into the Kirk of God the ordinance of man; and, that which experience in all preceeding ages hath testyfyed to have been the ground of great idlenesse, grosse ignorance, unsufferable pryde, pitilesse tyranny, shamelesse ambition, and of that antichristian Hierarchie, which climbed up upon the steps of the prehemencie of bishops, untill that Man of Sin come forth as the rype fruits of the wisdome of man. They desyre them to beware to strive against God with a displayed banner, by building up again the walls of Jericho, which the Lord has not only demolished, but also laid under an horrible execration and interdiction; to remember their oath and subscription, the slander of the gospell, defamation of

many preachers, offence of the people, hearing preachers accepted in their owne persons, the dignity, pomp, and superiority, which before they damned openly in others. They affirme; that if these few aspiring preachers go forward in their defection, not only appropriating to themselves allanerly, but also taking upon them such offices as carry with them the ordinary charge of governing the civill affairs of the countrey, and finally seek to subordinat their brethren to their jurisdiction, they are more worthy, as rotten members, to be cutt off from the body of Christ, than to have superiority and dominion over their brethren. They offer to prove that this Bishoprick, which is sought to be erected, is repugnant to the Word of God, the ancient canons and fathers of the Kirk, the tenets of the modern most godly and learned Divines, the doctrine and constitution of our Kirk, the lawes of the Realme, prejudiciall to the weell and honor of the King and the realme, especially of the Nobility, and to the weell of the Kirk. In end, they protest, in name of the Kirk in generall, and of their Presbytries in particular, and in their owne names, against the said bishoprick and bishops, and the erection, confirmation, or ratification of their Estate at this present Parliament; most humbly craving, that their protestation, in substance and forme as it was sett down, might be admitted by their Honors, as registrat among their statutes and acts, in case these Bishopricks be allowed, erected, ratified, or confirmed.

Mr James Melvill had in readinesse the verification of the points which they offered to prove in the Protestation, which are already extant in print in the "Course of Conformity," and the substance sett down before in the Reasons against ministers vote in Parliament. Only this is to be observed, that, in proving their Estate to be prejudiciall to the honor and weell of the noblemen and estates of the realme, he sayeth, "Set me up these bishops, once called long since, the 'Prince's led horse,' nothing, howsoever unlawfull and pernicious to the Kirk or the realme, if it shall be borne *forth* by the countenance, authority, care and endeavour of a King, it shall be carryed through by his Bishops in Parliament, sett up and entertained by him for that effect, and the rest of the Estates shall

serve like cyphers. They have their Lordships, livings, honor and estimation, profit and commodity from the King, as other Estates have not. The King may sett them up and cast them down, give them and take from them, put them in and out at his pleasure; therefore, they must be at his direction, to do what liketh him. He may deall with them without law, because they are sett up against law: he cannot deall so with other Estates; for they have either heritable standing in their roomes, by the fundamentall lawes, or a commission only from the Estate that sent them, as from burgesses or barrons. Deprave once the Ecclesiasticall Estate, which hath the gift of knowledge and learning beyond others, and is supposed to be of best conscience, because so it should be, the rest will easily be miscarryed; and that so much the more, that the Officers of Estate, the Lords of Session, and other judges that have their offices from the King, are commonly framed after the Court affection, others for commodities and advancement may easily be corrupted, and so nothing shall passe in Parliament without the Bishops and that faction. Yea, let the Chancellor, Secretarie, Treasurer, President, Comptroller, and other officers, take heed that these new Prelates, as covetous and ambitious as ever were those of old, insinuating themselves by flatteries and obsequiousnesse in the Prince's favour, attaine not to the bearing of all these offices, and exerceing of the same, as craftily, avariciously, arrogantly and cruelly, as ever the Papisticall Prelates did." As for the weell of the subjects, he foretelleth, that all true religion, or the fruitfull use of it for the feeding of souls, will decay. If there arise a Popish or prophane Prince they must alter with him, please and obey him, or losse their places, honors, riches and pleasures; which they will not do, because they have already given their consciences, honesty, truth and credit before man, as a price for these things of the world. If true religion stand, what care will they have, notwithstanding, of feeding of souls, that have sold their owne for the world? All their care and travell must be to keep Court, to acquyre more plenty of goods, honor and pleasure. Inferior ministers, for the most part, will follow their

fashions, whereupon shall follow atheisme, licentiousnesse and prophanity among the people. Discipline being put in their hands, they will make merchandise of it in favours of this or that nobleman, of this or that courtier; for such use to be men-pleasers, and darr not displease others by the execution of discipline, lest it should strike against themselves, commonly more guilty and slanderous than any other. If any succeeding Prince please to play the tyrant, and govern not by his lawes, but by his will and pleasure, signifyed by missives, articles, and directions, they will never admonish him as faithfull pastors wold do, (for such they are not, have not lawfull calling, nor authority from God and his Kirk); but as they are made up by man, they will flatter and please man. As they stand by the Prince's affection, so they will by no means jeopard their standing, but will be the readiest men to put his will and pleasure in execution; suppose it were to apprehend his best subjects, namely, such as stand for the lawes and liberties of the realme, and to cast them into dark and stinking prisons, or to banish them from their native countrey. Unlesse men of whatsoever degree cappe and kneell to them, and give them their ambitious stiles and places, suppose against their hearts, they shall not misse to be crossed by them in their affairs, and to be traduced at Court by them or by their means. The Bishop in his owne city and among his vassalls, will think himselfe a pettie Roy. If any under him, refuse to serve him with whatsoever they have, means shall be found to pill and poll him. If the Prince be prodigall, or wold inrich his courtiers by taxations, impositions, subsidies and exactions, laid upon the subjects, who shall be so ready to impose them in Parliament or Convention, as those who are made and sett up for the like service?

The Lords of the Articles rejected, likewise, the Protestation. It was therefore thought meet, that a coppie should be presented to every Estate as they satt severally, and to some speciall noblemen. Much was promised by the Commissioners of burghs and barrons when they were conveened apart; but the most part were won either one way or other to the King's purpose. There rested

only a protestation to be made in open Parliament. The last and most solemne day, he [Andrew Melvill] got entry with great difficulty into the Parliament House. How soon he was espyed to rise, of purpose to speak, one was sent to him to charge him to depart, which, notwithstanding, he did not until he had made his mind knowne.

A paction was made betwixt the Lords which had the Kirk rents and the Bishops, That the Bishop should consent to the erection of a number of other prelacies in temporall Lordships, and the Lords of Erection shall consent to the confirmation of the Bishops new gifts, to their restoration to the old rents, livings, priviledges, which their predecessors had in time of Poperie. When ministers vote in Parliament was agreed upon in the Generall Assemblie, it was agreed, also, that there should be fifty-one voters. Now, by the erection of these Prelacies the Kirk was defrauded of so many voters, whereas they pretended great zeall for ministers vote in Parliament, to vindicate the ministry from contempt and poverty. I confesse they had an intention even then to procure a revocation, whereof they have given since evident prooff. Such was their treachery both against God and man.

The first day of the Parliament ten Bishops rode betwixt the Earles and Lords, of which number was Mr Peter Rollock, Bishop of Dunkelden, as having place in Parliament, in respect of his benefice only, for he was never a minister; but the last day they went on foot to the Parliament House, because they got not the place nixt the Marquesses.

The first act of this Parliament, which concerned the King's supremacie, was keept a long tyme so closse, that the Clerk durst not let any have the extract of it. The second concerned the restitution of the Estate of Bishops, as the reader may see it at length in the Acts of Parliaments. In the third, It was ordained that no Bishop may sett in few, tacks, or otherwayes, or dispone any part of the patrimonie of their bishopricks, without the advice, consent and assent of their Chapters, or the greatest number of them duely procured and obtained; and that the said Chapters remaine now,

and in all tyme coming, according to the foundation of the said bishopricks, and as it hath been in tymes bypast, without any kind of alteration; except in the Chapter of St Andrews, &c. Chapters were damned by the Kirk of Scotland as well as Bishops, yet the Estates in this Parliament ratified both, without so much as advising with the Kirk, or Generall Assembly of the Kirk. The Generall Assembly [was] wont to be holden usually immediately befor, or in tyme of Parliament, but now none must be holden for fear of opposition. Equity craved that their Estate should not be erected, till all parties having interest, or that might have been prejudged by that erection, were summoned to have heard their erection. It is well known the Kirk of Scotland was much prejudged by erecting them in manner and forme, and with the privileges sett downe in their provision.

At this Parliament, the Earles and Lords were cloathed in scarlet. It is constantly reported, that a Popish Bishop, at the breaking up of the Reformation, said, That a red Parliament in St Johnstoun should mend all again. And indeed defection has ever grown since that tyme. At this Parliament was granted a taxation of four hundred thousand merks.

### THE SECOND STEPP OR DEGREE : THE CONSTANT MODERATION OF SYNODS AND PRESBYTERIES.

The reader may perceave, by the proceedings of the last Parliament, wherefor the King and the Commissioners of the Generall Assembly, would have had the Generall Assembly continued till after this Parliament. The ministery was made to beleeve that they were to have a Generall Assembly in this instant month of July; but at the rising of the Parliament, it is prorogat, by proclamation, untill May 1607. Some show of Assembly they must have, for colour of the Kirk's consent to constitut the Bishops constant Moderators of Presbyteries and Synods. They durst not venture upon a free Generall Assembly. Therfor a mean was devised, for drawing some men of chief note out of the way, that they might the more easily attaine to their intent. In the month of May, there

was sent from Court eight missives, directed to eight ministers, Messrs Andrew Melvill, James Melvill, James Balfour, William Scott, John Carmichael, Robert Wallace, Adam Colt, William Watson. They are willed and commanded, all excuses sett aside, to repair toward Court before the 15th day of September, to the end the King might treat with them, and such others of the brethren as he commanded to be there at that same tyme, in matters concerning the peace of the Church; seeing he was frustrat of his travells to that end before, by the contempt of his authority in some, and presumption in others in presuming to justify their absolute proceedings, and withall, to slander his just commandments and the lawfull proceedings of his Counsell; and likewise by the late answers of the Synods, all tending to delay, without any assurance of performing, at the nixt Generall Assembly, that which had been so earnestly urged. After incalling on the name of God, they advised, whether they should obey the King's letter or not. Finding no appearance of good, they used meanes for liberty to stay at home. But the Earle of Dumbarr assured them, there was no remedie; for the nixt warning wold be a charge, to their greater pains, and lesse advantage to their cause, the chief men standing in defence of it being blotted with contempt and disobedience. They were also borne in hand, that this was devised by some who wold have matters to proceed better, and without the Bishops' and Commissioners' knowledge. Therefor, as they loved the weell of the Kirk in generall, and of their imprisoned brethren in particular, they wold desire to do as they were directed by the letter. The Earle of Dumbarr made Mr James Melvill believe that he was the procurer of those missives, for a speciall benefit both to the Kirk and them; that the Bishops understood not, till of late; that they had travelled to stay it but in vain: therefor willed them to be of good courage, to make no excuse; assuring them, by God's grace, he should make it the best voyage that ever they made. They resolve first, to attend on the Parliament to do some piece of service to the Kirk of God, which they did, as ye have heard, and thereafter to prepare themselves for their journey.

In the month of August, the eight ministers sent for to come to Court, advised with their Presbytries and Sessions how to carry themselves. Their Presbytries and Sessions would give them no commission, in caise they had been urged to a disputation; but advysed them to deliver their opinion in matters proponed to them. Three of their number, being members of the Presbytrie of St Andrews, craved from their Presbytrie an extract of the acts made and subscribed heretofor in the Presbytrie, anent the Discipline of the Kirk; especially the act concluded by the Presbyterie, upon the 2d of August 1604, concerning the subscription of the whole brethren of the Presbytry to the Confession of Faith; which was granted. In subscribing of this act they approve the Confession of Faith, and the Act of Parliament, holden *anno* 1592, for explanation of the present Discipline authorized in the said Confession; promised solemnly to defend the same, and never to come in the contrary, according to the great oath sett downe in the Confession of Faith. Mr George Glaidstones subscribed this act with the rest. Another act was granted them, made the 10th of January 1605, bearing Mr George Glaidstones' excuse for his journey to Court, without advertising the brethren, and his declaration, in presence of the whole brethren, that as he departed a brother, so he returned, without usurping any authority, and promised to behave himself in as great humility as before. But there was no truth nor trust to be given him. He had changed four flocks, and sworn that he should never be Bishop of St Andrews, because the Bishops of that See were so unhappy in their end, and much hated; yet, even at that same tyme, he returned Bishop of St Andrews. When some gentlemen, and others, his familiars, who expected some benefit by his advancement, asked how he could bear with the Presbyterie, he answered, "Hold your toungue, we shall steall them off their feet."

After the eight ministers had taken journey, Mr George Gladstones informed his Presbyterie, that his Majesty had sent for him, and asked wherein the brethren would employ him. They charged him, as he wold answer to God, that he wold neither,

directly nor indirectly, do any thing in prejudice of the established Discipline; which he promised solemnly in presence of the brethren: and farther, that he should do nothing but that for which he should be welcome to them at his return, and for which he should not be ashamed to be spoken of, either now or hereafter, by the posterity; taking God to witnesse that he never minded the alteration of the discipline of the Kirk. But the contrary appeared in short tyme after.

Upon the 20th September 1606, the eight ministers got presence at Hampton Court. Upon the 22d of September they were called before the King. The King came to the Chamber of Presence, accompanied with the Earles of Dumbarr and Orknay, Lord Fleming, the Laird of Lawrestoun, Sir Thomas Hamiltoun, the King's Advocat, Mr John Spotswood, Mr George Gladstones, Mr James Law, Mr James Nicolson, Mr Robert Howie, Mr Patrick Sharp, Mr Andrew Lamb. The King declared what causes moved him to write for them. In end, he gathered all his speeches to two heads, wherein he said he would be through with them for the peace of the Kirk: the one concerning the pretended Generall Assembly, (so he termed it,) holden at Aberdeen, and the proceeding which followed therupon; the other, how there might be an ordinary and peaceable Assembly holden, to sett all things at quyetnesse and good order. They had agreed before, among themselves, to give no present answer. Therefore, Mr James Melvill, who was appointed to be their speechman, after he had expressed, in a complementing manner, their joy for his inclination to entertainie peace, &c., desyred tyme to advise, because his Majestie's missive sent to them did bear no particular, neither heard they of any before that tyme. After some tyme had been spent upon sending of Commissioners from Presbyteries to Aberdeen, after the receaving of Lawrestoun's letter; the praying for the convicted brethren; proceedings of the Synod of Fife; and Mr James Melvill's letter directed to that Synod against the five articles; the King resumed the first two heads, and willed them to advise upon an answer against the nixt day.

The day following, that is the 23d of September, they compeared again. The Prince stood at the King's left hand with the above-named Scottish noblemen, Counsellours, Bishops, Commissioners of the Generall Assembly, so many as were present. Canterberrie stood at the King's right hand, Salisberry, Suffolk, Worcester, Nottinghame, Northamptoun, Lord Stennop, Lord Knolles, and sundry other noblemen. Some Bishops and Deanes stood behind the tapestrie, who now and then discovered themselves. The King, after resuming of the points proponed the day preceeding, desired, at last, to be resolved, in particular, Whether the Assembly holden last at Aberdeen was a lawfull Assembly? and whether the proceedings of the ministers at it, and afterward, were justifiable or not? The Bishops and Commissioners who were present, were first asked, and answered, That they damned all their proceedings. Then the King enquyred at Mr Andrew Melvill, What he could say for that Assembly, seeing the number was so few, and they wanted the Moderator and Scribe, and were discharged before, by open proclamation. He answered shortly, as we have already sett downe in the answers of the imprisoned before. Then the King asked, What reason he had not to condemne their proceedings. He answered, "First, I am but a private man, come upon your Majestie's missive, without any Commission from the Church of Scotland; and therefore, seeing *nemo constituit me judicem*, I cannot take upon me to condemne them. Second, Your Majesty, by virtue of your proclamation, dated here at Hampton Court, (which he produceth,) hath remitted their tryall to the Generall Assembly, expecting reparation of wrongs, if any be done. I therefore cannot prejudge the Church and Assembly of my vote there; which, if I give now, I shall be sure to have my mouth shut up then, as, by experience, I and other brethren have found before. Third, *Res non erat integra, sed hactenus judicata*, by your Majesty's Counsell; whether rightly or not, that I remitt to God before whom one day they must appear, and answer for that sentence. I think your Majesty will not be content that I should now contradict your Counsell, and their proceedings.

Fourth, How can I condemn my brethren *indicta causa*, not hearing their accusers objecting against them, and themselves answering?" This was the substance of his answer, which he uttered after his owne manner, roundly and freely. The rest answered the like in effect. Their harmony moved the Inglish and others who were present very much. When Mr James Melvill was giving his answer, [he] said farther, "If in the meantyme your Majesty will urge me to deliver my judgment of the matter, according to my conscience, unlesse the wrongs done to them, and given in writ to your Majesty's Estates at the last Parliament holden at Perth, be considered and discussed, I wold not for all the world condemne them. A coppie of the wrongs we are earnestly desired by themselves to deliver to your Majesty." With this he stepped forward and delivered them to the King in his own hand.

The substance of their informations to the last Parliament we have already sett downe in the defences of their proceedings. After they had given their answers, Mr Andrew Melvill broke out in his own manner, and plainly avouched the innocency of the brethren, recounted the wrongs done to them at Linlithgow, and laid to the Advocate his charge, craftie and malicious dealling against them, so that κατήγορος τῶν ἀδελφῶν could not have done more against the saints of God, than he had done against those men in Linlithgow; that still he shewed himselfe possessed with the same spirit, because he thought it not enough to plead against them in Scotland, with all the cunning and skill he had, but still continued κατήγορος τῶν ἀδελφῶν. He [the Advocate] was moved. Because unrequyred, he asked licence to speak, when Mr William Scot gave his answer; but Mr William had the upper hand to his shame. Sundry other speeches he [Andrew Melvill] had against the Advocate; which, for brevitie's sake, I omitt. In end, the King demanded what overture they wold give for the other point. They answered, The best overture was to have a free Generall Assembly. The King riseth, and they were dismissed, not without great applause of those who were present, for their gravity and boldnesse in the cause of God. The truth was cleared, which be-

fore was obscured by misreports. What was omitted by one was remembered by another.

When they were gone from Hampton Court, and were a little on their way to Kingstoun, they were charged not to return to Scotland, nor to come near the King, Queen, or Prince's House, or Court, without speciall licence or calling for. They were written for upon the 28th of September, to hear Doctor Andrew, Bishop of Exeter, as they were before to Barlow, and Buckerage; and the nixt day after, which was Saint Michaell's day, by the King's expresse command, to come to the King's Chappell, namely, Mr Andrew and Mr James Melvills. Mr James warned Mr Andrew by the way, they were to be trapped, and to have their patience tryed; which proved true. There they saw the King and Queen offer at the altar, whereupon were set two books, two dry basons, two candlesticks, with two blind candles. Upon the occasion of this solemnity, Mr Andrew made the epigramme for which he was afterward troubled.

That day, after noon, the Earles of Argyle, Glencairne, Orkney, Wiggtoun, Dumbar, the Countroller, the Advocat, the Abbot of Lindoorse, Mr Peter Young, Kilsyth, conveened in the Earle of Dumbarr's lodging. The ministers were urged to give answers severally to certain particulars, for satisfaction of his Majesty. Mr James Melvill was first called on, and, being demanded by the King's Advocate, 1. Whether he prayed for the imprisoned ministers? 2. Whether he allowed their holding of the Assembly at Aberdeen, and their declinature given in to the Counsell? 3. Where was his letter written to the Synod of Fife? &c. He answered, "I am a free subject of the kingdome of Scotland, which hath lawes and priviledges of their owne, as free as any kingdome in the world, to which I will stand. There hath been no summons lawfully execute against me. The noblemen here present, and I are not in our owne countrey. The charge *super inquirendis* was declared long since to be unjust. I am bound by no law to furnish dittay against myself." He desired the noblemen to deall with him, howbeit a mean man, yet a free-born Scottish man, as they wold

be contented to be used themselves, that is, according to the laws of Scotland. The Advocate, notwithstanding, urged him with an answer, with whom he enterchanged some sharp speeches. "Will ye not deign his Majesty with an answer?" said Dumbar. "With all reverence," said Mr James, "if I did know the question and had tyme to advise." "You shall have that," said Dumbar, and desired him to give in the Supplication, which the imprisoned Ministers had sent to the King. He delyvered it, and intreated him to assist it. The rest were called on, by course. At last Mr Andrew Melvill was called on. He told them plainly, they knew not what they were doing: they had degenerated from the ancient nobility of Scotland, who were wont to hazard their lives and lands for the freedome of the countrey and the gospell, which they were betraying and overturning. Night drawing on they were dismissed.

They wer again called before the Scottish Counsellors. Three articles were delyvered to them in writ, and their answers in writ craved severally, after advisement. As much tyme was permitted to them to advise, as they pleased to take; and, indeed, the chief drift was, to drive tyme, till the Convention at Linlithgow were past, and to catch some advantage. The tenor of the articles, subscribed by Mr Alexander Hay, here followeth:—

"Whether, if they had not transgressed their duty, in making publict prayers for the brethren in ward, as being afflicted; and are willing to crave his Majesty's favour for the same, seeing their said brethren byde in waird for just causes, and by a just sentence of a lawfull judge, standing unquarrelled and unreduced?

"Whether they acknowledge his Majesty, by the authority of his prerogative royall, as a Christian King, to have lawfull and full power to convocat, prorogat, and cause desert, upon just and necessary causes known to him, the Assemblies of the Kirk within his Majestie's dominions?

"If his Majesty, by his authority royall, hath not sufficient and lawfull power to call and conveen before him and his Counsell, whatsoever person or persons, civill or ecclesiasticall, for whatsoever faults, and give sentence thereanent; and if all his Majestie's sub-

jects be astricted to compeare before his Majesty and his Counsell, to answer, acknowledge, and obey his Majestie and Counsell's judgment in the said offences?"

These Articles were delivered to them upon the 2d of October. They were likewise desired to give in their Grievances; because it was pretended, that they were detained so long because they had not given them in. Therefore they gave in their answers and greevances the sooner, and delivered them to Mr James Nicolson upon the 4th of November; yet they were detained still, notwithstanding. They agreed in substance to their answers; therefore I have set downe here but two, Mr James Melvill's and Mr William Scot's.

Mr James Melvill answered thus:—

"With all submission, humility and reverence to the King, and with all hearty affection to his grandeur, James Melvill giveth answer to the questions proponed by his Majestie's most honorable Counsell.

"1. I cannot conceave a transgression of duty in praying for our brethren, the command and warrant being so clear in the Word of God; and if I could conceave any, prostrat at his Majestie's feet, I wold most willingly crave his Majestie's pardon and favour.

"2. The laws of the realme, the judgment, practice, and constitution of our Kirk are clear hereanent; and if there remain any doubt, let it be resolved in the nixt Generall Assembly, to which by the whole Synods it is referred.

"3. The third is civill, for the most part of many interrogations, and therefore cannot be simply answered. And if it be doubted of, it is to be resolved by lawiers and Estates of the realme. As for judging of ministers in matters meerly spirituall or ecclesiasticall, such as concern their calling and points of their ministery, which they have of and in Christ Jesus, and of his Kirk allanerly, togither with the jurisdiction of the Kirk, what it is, and how it differeth from the jurisdiction and power of civill magistrates, the statutes of the realme, the judgment, practice, and constitutions of our Kirk, the King's Majesties declaration at Linlithgow, and at diverse

Generall Assemblyes, are most clear and evident: to which I stand, till God teach my conscience better; protesting, before the great God of heaven and earth, that if I thought it not a sin against Christ, the Lord of Lords and King of Kings, and so most dangerous to the King's Majesties person, crowne and estate, to ascribe and give any farther to him, there is none living that wold be glader, according to his ability, to avouch maintain, and stand for the same to the uttermost, than poor James Melvill."

Mr William Scot answered as followes; but that I have ommitted the preface:—

"To the first I answer, That being a disposer of the secrets of God,—and, long before my brethren went to waird, in a speciall manner obliedged to some of them, for mutuall remembrance in prayer,—and knowing them to be of the household of faith, and no reason nor law in the contrair, as I understood the case;—in a single heart and Christian charity, I called to God for them accordingly, never having intention or purpose (as knoweth the Righteous Judge unto whose eyes all things are naked and open) to transgresse my duty to the meanest member of the fellowship of faith, much lesse to his most excellent Majesty. Neither know I, by myselfe, wherein I have trangressed in praying for them, otherwise than by infirmity, wants, and other parts of imperfection common to Christians in spirituall works during their life here; seeing God has commanded his children to pray for all saints, and each one for another, in whatsoever case they be: yea, not only for them that love us, but also for them that hurt, persecute and curse us, excepting them allanerly that sin unto death. Ephes. vi. 18; Ja. v. 16; Heb. xiii. 3; Math. v. 44; 1st John v. 16. And yet I presume not, by myselfe, to justify my owne actions, but most willingly leave place to lawfull tryall, and more wise and indifferent judgment in such cases; being as ready at all tymes to beg his Majestie's favour, as loath at any tyme to committ whatsoever may justly avert the same.

"To the second I answer, 1st, That the prerogative of his Majestie's authority royall is so farr above my reach, that I neither

dare, nor, as I understand, is it lawfull for me, by my private motion, to sett downe what power his Majesty has over the Assemblyes of the Kirk thereby; but I most heartily and humbly acknowledge that his Majesty has as lawfull and full power, in every respect, as the Word of God giveth to any King or Monarch under heaven. And now, touching the convocation, prorogation, or alteration of the dyets of the Assembly whatsoever, it is evident, by the acts of the Kirk, after following, that his Majesty and the Generall Assembly have power of the samen: viz. in the Generall Assembly holden at Glasgow the 24th of April 1581, wherein his Majestie's Commissioner was present, after long deliberation in former Assemblies, it was reasoned, voted, concluded and enacted, that all the ecclesiasticall assemblies have power to conveen lawfully togither for treating of things concerning the Kirk and pertaining to their charge, as also, to appoint tymes and places to that effect, and ane Assembly to appoint the dyet, time and place for another: Which act, as I understand, is not abrogated, but rather, by his Majestie's law and continuall practice of the Kirk within his Highnesse kingdome of North Brittaine, confirmed; which usually has prevented, prorogat or appointed the dyets of Assemblies, as the expedience of the affairs of the Kirk requyred, and judged anent alterations, as they fell out, at Edinburgh, 2d July 1591, at Dundee, 10th May 1597, at Holyroodhouse, 10th November 1602. *Item*, In the article proponed by his Majestie's Commissioners to the Assembly at Perth, the 1st of March 1597, bearing, That no meeting nor convention be amongst the pastors without his Majestie's knowledge and consent, there is a speciall exception made of their ordinary Sessions, Presbyteries, and Synods; and, in the answer of that Assembly thereunto, there is added, their meetings in visitation of Kirks, admission and deprivation of ministers, taking up of feuds, and such others as have not been found fault with by his Majesty: and in the Generall Assembly thereafter at Dundee, it is extended to all and whatsomever forme, either of Speciall or Generall Assemblies, authorized by his Majestie's law, as they have warrand in the Word of God, as being the most authentick

forme of consent that any King can give; whereof it is clear what order and custome anent the dyets of Assemblies is. 2. If the article mean any innovation or alteration of the foresaid order and practice, or any part thereof, in that case, [in] the Generall Assembly at Perth, 1st Martii 1597, it is agreed upon betwixt his Majesty and the Generall Assembly anent points his Highnesse desires to be resolved or reformed, that it is lawfull to himselfe, or his High[ness'] Commissioners, to propone them in a Generall Assembly, providing it be done in right tyme and place, *animo ædificandi, non tentandi.* 3. This article, in effect, being first moved among the rest of his Majestie's printed Questions to the Generall Assembly at Perth, was remitted to be advised by certain Commissioners against the Generall Assembly immediately following at Dundee, where it receaved no particular answer, neither has sensyne: and now lately, being proponed to the Synod of Fyfe, whereof I am a member, for weighty causes it was referred to the Generall Assembly, whereunto, properly, the decision thereof belongs. In respect of the premises, it were presumption, follie, and iniquity in me to answer any otherwise anent this article than the Kirk has done.

"To the third I answer, First, That the order anent citation of parties, cognition of causes, and giving of sentences, in offences usually judged within his Majestie's kingdome of North Britain by the civil criminall judges—viz. Parliament, Justice, Commissars, Shireffs, Stewarts, &c.; and what jurisdiction, distinction or limitation of jurisdiction; who are judges competent to every cause; if *forum rei* should be keept; or what power they have *respective* to advocat or repledge causes, or suspend decreets; or if his Majestie and Counsell shall be judges competent to all offences, belongeth neither to me, nor to my calling to determine. But concerning some sort of offences, Christ has commanded to tell the Kirk, whereunto he has promised, that whatsoever they shall bind on earth shall be bound in heaven, and whatsoever they shall loose on earth shall be loosed in heaven; which Scripture, by soundest judgements, is exponed of the Counsells of the Kirk."

THEIR GRIEVES, AND ADVICE HOW TO PACIFIE THE TROUBLES OF THE KIRK.

"Please your most Excellent Majestie to hear the Grieves which your Majesty desyred us to give up to your Highnesse, that they may be redressed; as also, our advyse anent the pacifying of the Estate of our Kirk.

"We are grieved, That these four yeares the Generall Assemblies of the Kirk of Scotland have been prorogated in so needfull and dangerous a time, when all estates are carefull of their privileges, and Papists, Atheists, and licentious persons, contemne the discipline of the Kirk.

"We are grieved, That fourteen ministers should lye year and day in waird and prison, detained from their flocks and families, while the hand of God is striking so sore, by the plague of pestilence amongst them.

"We are grieved, That the Commissioners of the Kirk, who vote in Parliament in name thereof, have neither entered in that office, nor behaved themselves therein according to the Cautions and order sett downe by your Majesty, in the Generall Assembly holden at Montrose; and, namely, that these Cautions ordained to be insert in the act of Parliament, which was to be made in their favour, howbeit offered by the Commissioners of the Generall Assembly, were refused and rejected at Perth.

"We are grieved, That the Commissioners of the Generall Assembly made not timouse and faithfull warning to the Presbyteries for the Assembly appointed by your Majesty to be holden at Aberdeen, which was the first cause of all this trouble; and yet, that some of them satt in Counsell, and were too forward in condemning the brethren to prison.

"We are grieved at your Majestie's Commissioner, Lawrestoun his unfaithfull, foolish, and false dealling at Aberdeen, the next and immediate cause of your Majestie's offence, and of the troubling of the brethren.

"We are grieved at all the wrongs which these brethren alledge

done unto them; most humbly beseeching your Majesty to consider and amend them, as nixt, under God, appointed to do the same.

"We are grieved, That we are detained so long from our flocks and families, in tyme of the danger of the plague, and other great necessities.

"All which Grieves, if it wold please your Majesty to take to heart and redresse, we dare be answerable, that the Estate of our Kirk shall be pacified."

In the beginning of October, the eight ministers learned that there were ane hunder missives to be directed to Scotland, which, not long after, they understood were directed for a Convention which was to be holden at Linlithgow. Mr James Nicolson, the chief contriver of the plotts for the advanceing of the Episcopall course, and then resolved to accept the bishoprick of Dunkelden, which the King had bought to him for twentie thousand pounds, was to returne to Scotland, to order affairs in that Convention.

After they had delivered their answers and grievances, by many supplications to the King, [they] craved a favourable dimission, and licence to returne to their flocks and families; many thousand souls, concredit to their charge, famishing for want of the Word, and themselves wandering like idle men of no calling, to the shame of their profession, spending the money their families should live on at home, and some of them aged, sick, and diseased, wanting the necessarie comforts of their friends and families. They were not heard, but were enjoined, every one, to lye severally at some Bishop's house. They besought Mr Alexander Hay, who had intimate to them the King's will, to entreat his Majesty to have a regard to his owne honour, the honour of the countrey, and credit of this Kirk. If they had committed any cryme, let them be judged orderly, and punished accordingly.

There was no more heard of that matter till a quarter of a year after, yet they were forced to break up their society; for before,

they keept a table togither at London, and many brethren of the better sort resorted to them. One day in the week, for the space of a moneth, they had exercise, with fasting and humiliation, especially for the bussiness that the King and his Commissioners were compassing at home in Scotland.

Upon the last of November, Mr Andrew Melvill was called before the Counsell of England for the epigramme, whereof I made mention before. He had a purpose to present it to the King himself, and, withall, to have uttered his mind; but a copy was conveyed to his hand without his knowledge. He confessed he made the epigram; being much moved with indignation to see such vanity and superstition in a Christian Church, under a Christian King, born and brought up in the pure light of the Gospell; and especially before idolaters, to confirme them in their idolatry, and to grieve true professors. Sundry other speeches he had. In end, the Counsell giveth a warrant to Doctor Overall, Dean of Paul's, to receave him into his house, with an injunction not to let or suffer any to have accesse to him, till his Majestie's farther pleasure be signifyed; and to conferr with him in such points, as he shall find him different from the discipline established in the Kirk of England.

At a convention of sundry noblemen in Linlithgow, the six ministers imprisoned at Blacknesse were condemned to be banished the King's dominions, under the pain of death; for so the King had signified it was his will and pleasure. Sundry of the assysers fyled them, upon assurance that they should suffer no harme in their persons or goods. But to be removed from their flocks, banished from their native countrey, and put to their shifts, was no harme to their persons or goods! Upon the 7th of November they imbarked at Leith, with singing the 23d Psalme,—the people much moved and praying heartily for them.

The eight ministers detained at London, the six ministers banished, and other eight, their associats, lying in diverse wairds, it was thought a fitt tyme to advance the course of Episcopacie a step farther, yet durst not the Bishops venture on a free Assembly.

Howbeit so many of their chief opposits were removed out of the way, they feared there were yet too many behind to stay and impede their proceedings; therfor they could not be secure, unlesse the persons who were to conveen were nominat by themselves.

The Earle of Dumbarre returned unto Scotland about the end of November [1606]; and, in the beginning of December, the missives were sent to the Presbyteries; wherin the King willed them to direct the persons nominat in the missive to Linlithgow, the 10th of December, to consult with some noblemen for suppressing of Papists, and removing of jars in the Kirk. The persons were chosen by the Bishops; for the King could not know all or the third part of the persons nominated, far lesse of what Presbytries they were members; and, no doubt, they wold give up the names only of such as they thought least opposite, or to favour their course. No mention was made in the missive of a Generall Assembly, either by name or by description. The intimation ought to be clear, and published in such a manner that it may come to the knowledge of all the subjects: and because it ought to consist of Commissioners from burghs, and barrons, as well as of ministers; suppliants, complainers, appealers, ought to know when and where they ought to addresse themselves to a Generall Assembly. The day appointed at the last proclamation, to wit, the second Tuesday of May, was not altered by a new proclamation, nor yet any mention was made in the missive of preventing the dyet. The pretended end of this meeting, in the missive, was only to give advice how order shall be taken with Papists, and good order and quietnesse settled in the Kirk; for which end he [the King] had sent for some ministers, but was not satisfied. No wonder; for their advice crossed his and his Bishops intentions. Who then could be induced to think that this meeting was any thing else but a preparative to a Generall Assembly? Neither were the missives directed to every Presbytery, as was needfull, seeing there was no other kind of intimation; and to some Presbyteries only the day before the

meeting. Private letters were also directed to the persons nominated, wherin they were willed to keep that dyet.

Mr Patrick Galloway was desired to preach as Moderator of the last Assembly; but he refused through collusion; for Mr James Law, Bishop of Orkney, was prepared to teach. Thereafter, Mr Patrick addressed himself to the Moderator's place; opened up the causes which moved his Majesty to appoint that meeting, to wit, to take orders with Papists, to advise how ministers might be better provided with constant stipends, and how jarrs among pastors might be removed. The Earle of Montrose, the King's principall Commissioner, followed with his harrangue, which was explained by Mr Patrick. The King was extolled for the care he had of the peace of the Kirk; the brethren were exhorted to judge charitably of his proceedings, and to give him satisfaction in the matters which were to be proponed. The Collector, and Clerk of Register followed with their harrangues. After these harrangues, Mr Patrick proponed in leet, as from the King, for the choice of a new Moderator, Mr Patrick Sharp, Mr Robert Howie, Mr Alexander Lindsay, Mr James Nicolson. Sundry answered, That they had no commission to vote in any thing. They were desired to vote as private men appointed by the King to come thither. So Mr James Nicolson was chosen Moderator. He assumed Mr Henry Philip, minister of Arbroth, to be his scribe.

Many feared the evills of this meeting, and that after the dissolving it wold be borne out for a Generall Assembly; whereupon some intended a protestation, of which number Mr Adam Bannantine, now Bishop of Dumblane, was one; which, when the Bishops understood, they caused them to be cited before the Counsell. They were exhorted to desist and be quyet, till they saw if any thing were done in prejudice of the Kirk; and, in that case, the Bishops assured them that they should also protest. But, notwithstanding of any thing that was done, there was no more heard of a protestation at that meeting.

For repressing of Papists, it was thought good that every Presbyterie have one of their number to be an agent to informe the

Counsell what Papists, Jesuits, excommunicants, or noncommunicants are within their bounds; to raise letters; to keep the Counsell's dyets; and to see the Counsell's decreets against them put in execution: and that every one of those agents have a hundred pounds yearly payed by the Thesaurer for his expenses; but if the agent be provided to a bishoprick that he bear the burden himself. Then were proponed nixt, overtures for planting of Kirks. The taking order with Papists, and hope of augmentation of stipends, were the two chief pretences of good intentions, whereby the Bishops circumveened a number of the ministrie, and either drew them to their course, or made them silent and to give way.

It was then enquyred, What were the causes of the jarrs and divisions that were amongst the Ministrie, which gave a great advantage to the Papists to embolden and strengthen them. It was found, that the causes of distraction were a fear, that the Bishops and their adherents were upon a course to subvert the Discipline of the Kirk, by removing Sessions, Presbyteries, Provinciall and Generall Assemblies, and usurping, in their owne persons, the jurisdiction and government of the Kirk, and shaking off of obedience to the Kirk, and order established by lawfull Assemblies: the want of a free Generall Assembly was specially regrated; nixt, that some of their brethren were banished, and others distressed by long imprisonment.

For removing of these fears and suspicions, it was declared by the King's Commissioners, and such as had been lately acquainted with his intentions in the privie conference, "That it was not his Majesty's purpose and intention to subvert the present Discipline of the Kirk of Scotland, but rather to augment and strengthen the same, so farr as may serve for the weell of the Gospell and the restraint of vice; and to see [that] such eyelists and offences, as, in the administration thereof, were the occasion of just discontentment to his Majesty, and a hinderance to the credit and authority of the ministerie among the people, and among the ministerie themselves, be removed and taken away, by such good overtures

as he hath proponed. In signe whereof, as there is nothing done in derogation of holding of Sessions, Presbytries or Provinciall Assemblies; so it was never his Majesty's intention, but that the keeping of Generall Assemblies at certain competent tymes, was, and is a most necessary mean for preservation of piety and union in the Kirk, and extermination of all heresie and schisme in the same. And, therefore, his Majesty doth graciouslie declare, that as the Act of Parliament doth still stand in full force and effect, for conveening of the said Assemblies once in the year by his Majestie's direction; so it is his Majestie's will, that the day of conveening the nixt Assembly shall be in Edinburgh, the last Tuesday of July.

"Sicklike the whole Bishops declared, That it was not their intention to usurp and exerce any tyrrannous and unlawfull jurisdiction or power over their brethren, nor to ingyre themselves any wayes unlawfully into the Government of the Kirk, or any part thereof, farther than should be committed to them by the Presbytries, Provinciall and Generall Assemblies. And if it shall happen to fall out, that they, or any of them, shall be found to do in the contrair, then and in that case, they were content to submitt themselves to the censures of the Kirk, as humbly as any other of the brethren of the Ministrie."

The Bishops professed that they intended not to ingyre themselves unlawfully in the Government of the Kirk, or any part thereof, farther than should be committed to them by the Presbytries, Provinciall and Generall Assemblies; but it was their purpose to have such Assemblies constitut as they pleased, to committ to them the Government of the Kirk, or a part thereof. They promise to usurp no tyrannous and unlawfull jurisdiction and power over their brethren; but in the Caveats they were bound, *simpliciter*, to usurp no power nor jurisdiction: and the meaning of this Convention was, that they should usurp no farder power than was granted at this meeting; which was to be Moderators with new cautions and caveats. The Pope himself could professe as much, that he would usurp no tyrrannous nor unlawfull jurisdiction. But

these words, " tyrannous and unlawfull," were inserted in that forged act to pervert the meaning of that Convention.

As for the banished brethren, it was declared, That the want of the King's favour proceeded from themselves, because they had never humbled themselves to seek his pardon, as became them. Therefore some were appointed to write to them their advice, to send such a humble sute to his Majesty for his pardon, as might give him greatest satisfaction; which was plain mockery. Yea, in effect by this act the banished brethren were condemned.

The King's Overture, concerning the remedy of the increase of Poperie and jarrs amongst the ministerie was read, to wit, That a constant Moderator might be admitted in every Presbyterie, because new Moderators were not acquainted with the proceedings of the former, and therefore diligence in executing any processe failled. But this pretence was frivolous; for no such defect was ever found, after long experience, in former tymes; for the election of Moderators every halfe year was not circular, but only of the fittest of their number, as they thought fitt for the tyme. The avoiding of a greater evill, to wit, to eschew tyranny, was aimed at, especially when Presbyteries were constitute, which might fall out by the perpetuity of the Moderator. Nor yet was it ever deemed that the change of Moderators was the occasion of jarrs amongst the ministerie, or between the King and the ministerie. Yet this overture was embraced, that Bishops, under this colour might encroach upon the jurisdiction over the brethren. And who were chosen to be the Moderators, but such as were nominat to be the agents against the Papists, that under that colour they might have their pension of a hundreth pounds yearly? So the pension assigned to the agent was devised to corrupt the Moderator, who was to be the agent. For otherwise, it was absurd to make one man both agent and Moderator; for the one office, to witt, of the agent could not but withdraw him from attending upon the Presbyterie whereof he was Moderator. They appointed not only that the Moderator should be perpetuall, but also to nominate the persons, which was a liberty and priviledge belonging to the

Presbyterie, and as absurd as if the Parliament should nominate provost and baillies to every burgh; for every Presbyterie is best acquainted with the abilities and qualifications of their own members. The persons who were nominate were many of them present, and made no opposition, after they were appointed to be agents, and had a fee allowed to them. Some few others were nominate for the fashion, who were absent, and never accepted the charge, Earles, Lords, and Barrons, to the number of thirtie-three, and about an hundred and twenty-five ministers agreed to this overture.

In end, there was an admonition given to all the brethren to bewarr to speak any thing unadvisedly against his Majesty; to entertaine peace and love among themselves. The Episcopall faction pretended ever peace when they meant no other thing but disturbance, which at this time followed, upon the obtruding of Moderators upon Presbyteries. What peace could they intend, who procured the distresse of their brethren?

The great Commissioners, the Earle of Montrose and the Earle of Dumbarr, thanked the Convention in the King's name, and desired the ministers there present to make knowne to their Presbytries, and brethren, and the people, what good was done at that Convention. Two noblemen, out of simplicity, desyred a coppie of such things as were concluded. It was answered, That could not be instantly done, but the conclusions and proceedings of this meeting shall be put in print with diligence, that the same might come to the knowledge of all men. But this was not performed; yea, the chief act could not be seen for half a year after that it was returned back again from Court.

After the dissolving of this Convention, the Presbytries were urged to accept the Moderators nominate at this meeting. They craved a sight of the act to be advised with; but it was not granted. Many Presbyteries yeelded through fear, being charged with letters of horning; others, notwithstanding, resisted. The Presbyterie of Edinburgh accepted Mr John Hall, *till the tyme appointed* for the nixt Assembly, and upon certain conditions. Some bound

the Moderator by oath and subscription to dimitt whensoever they pleased, yet delayed the acceptation till they had the approbation of the Synod.

Not only were the Presbyteries urged to accept constant Moderators, but also the Synods to admitt Bishops, if there were any within their bounds, to be constant Moderator of the Synod, or some other who was constant Moderator of any Presbyterie within the bounds; but greater opposition was made by the Synods than by the Presbyteries, and that because no such thing was concluded at Linlithgow Convention, as that Bishops or any other constant Moderators of the Presbyteries should be constant Moderators of the Synods.

Great stirr was made by Sir David Murray, Lord Scoone, one of the Commissioners appointed by the King, to urge the Synod of Perth to accept [Alexander Lindsay] Bishop of [Dunkeld] to be their constant Moderator; but the act of Linlithgow Assembly could not be had, that they might understand whether any such things were concluded. Such as were at the Convention of Linlithgow, to the number of twelve or fourteen ministers, being charged to testify upon their conscience the truth, deponed, that no such thing was proponed, either in the privie conference or in the publict meeting. When Mr Henry Livingstoun was chosen Moderator, and was beginning with this premonition to prayer, "Let us begin at God, and be humbled in the name of Jesus Christ," Scoone, in a great rage, chapping on his breast, cryed, "Devill a Jesus is here!" When Mr Henry was proceeding in prayer, he [Scoone] turned over the table with the green cloth upon him [Livingstoun], and the rest that were upon the south side, all humbled upon their knees; but they stirred not, notwithstanding of his violence. Therefore, like a madman, he caused some of the guard remove the table, and sent for the baillies. When they came, he commanded them to remove these rebells, and to cause ring the common bell. The baillies pretended it behoved them to conveen the Counsell, but returned not again; howbeit he was their Provost for the tyme. He and his conjunct

Commissioners, Balvaird, and Balmanno, advised upon instruments, which were read before the Synod. The Assembly, on the other syde, took instruments of the violence and injurie which was done to them. Scoone locked the doors; but they proceeded, after they had stayed the concourse of the people enraged at the Provost's carriage. It was concluded, That every Presbyterie, the first day of their meeting, should choose their owne Moderator, according to the common order, howbeit none of them had as yet accepted a constant Moderator, except Perth, who took instruments upon the unlawfull forme of the Bishop of Dunkelden's entry. Nixt, because it was falsely alledged, that their brethren detained in England maintained opinions contrary to the government of the Kirk of Scotland, it was thought good to declare their consent and harmony in judgment, to write a comfortable letter unto them, and a humble supplication to the King for them. 3. They made choice of three Commissioners out of every Presbyterie, to be sent to the nixt General Assembly, which was appointed to be at Linlithgow, to be holden in July. 4. Because Scoone had threatened to have them cited to compear before the Counsell, they appointed some of their number to attend and complain upon him. No redresse was made; but on the contrary, Mr William Row, the last Moderator, was put to the horne, and forced to lurk amongst his friends. Mr Henry Livingstoun, with great difficulty obtained the favour to be confined within his own paroch.

The Lord Scoone, the King's Comptroller, and Mr George Gladstones, stiled Bishop of St Andrews, fearing the like opposition in the Synod of Fife, which was made at Perth, procured letters to be proclamed in every toune of Fife, to discharge their meeting at Dysart, the last Tuesday of Aprile 1607, the day appointed for their Synodall Assembly. Whereupon some of the ministers came not to the place appointed. These who came were debarred from all meeting, upon a strait charge given to the baillies of the towne: whereupon they were forced to take them to the sands betwixt Dysert and Ravensheugh, where they spent two hours, the raine pouring upon them, advising

whether they should hold Synod or not. They rested upon a prorogation till the first Tuesday of June, and directed some of their number to declare to the Counsell their malecontentment; and if the Counsell continued in such dealling, that, notwithstanding of horning, wairding, &c., they wold draw them in the snare of disobedience. The Counsell directed the Clerk to signify unto them, that they intended not to prorogate the Synod again for any thing known to them.

At their nixt Synod, Scoone and other three Commissioners were sent by the King to place Bishop Gladstones Moderator. A sight of the act of Linlithgow was craved, which was now at last produced. After it was read, the brethren answered, That it was constantly affirmed by those who had been at Linlithgow, that no such thing was motioned, reasoned or concluded, as placing constant Moderators in Synods; that they wold not acknowledge that act coming to light but now of late, till the Presbyteries had first advised upon it severally, and conferred each with other. The King's Commissioners alledged they triffled with the King. One of them called for an officer of armes; took the catalogue in his owne hand; demanded at every one severally, whether they will accept the Bishop to be constant Moderator of the Synod or not. The officer was commanded to give every one that had a negative voice a charge presently to accept, under the pain of rebellion. They answered severally, They will rather abide horning and all that might follow it, than losse the liberty of the Kirk: the office itselfe was unlawfull, and the man unworthy. Five or six yielded, and as many went forth before the matter came to voting. Gladstones, perceaving the brethren to be courageous, and threatening him with the sentence of excommunication, a sharper sword than the temporall, dealt with the King's Commissioners apart, promised to satisfy the King. The Lord Lindsay, Lord Halyroodhouse, Mr John Prestoun, Collector, and Lord Scoone were contented; but Gladstones, notwithstanding of his promise, informed the King, after his owne manner, and by his information procured a direction to the Counsell, to confyne

Mr John Dykes and Mr John Scrimgeour within their owne parishes. Mr William Cranstoun, the Moderator of the last Synod, was putt to the horn.

The like opposition was made by the Synod of Lothian in August, and again in October, where they dissolved without any Moderator at all, or appointing any new dyet.

The Synod of Merce and Teviotdale were urged by Roxburgh, the King's Commissioner, to admitt one of the constant Moderators in their Presbyteries, seeing there was not one provided to a bishoprick within the bounds. They not only refused, but also charged the Moderators of the Presbyteries of Chirnsyde, Dunse and Kelso, to demitt the office of constant Moderator at the nixt Assembly or meeting. The rest of the Presbyteries had not as yet accepted any constant Moderator. The Earle of Dumbarr, lately come from Court and stirred up by the bishops, caused charge these Presbyteries to receave their Moderators again; and to summond Mr Tobias Ramsay, minister at Fouldown, moderator of the Synod, and John Smith, minister at Maxtown, clerk to the Synod, to compear before the Counsell. They were charged to enter into Blacknesse; but they choosed rather to withdraw themselves for a time, than to enter into a place where they could find no comfort nor hope of release without confession of a fault.

Other Synods refused, likewise, to have constant Moderators, except Angus; so the aspyring bishops were so farr disappointed of their purpose, who thought, by virtue of that constant Moderatorship, to attaine to a preheminencie above the Synods and Presbyteries. At Linlithgow, they promise not to ingyre themselves in any part of the government of the Kirk; and yet, the reader may see, they disturbed the peace of the Kirk, and wold have ingyred themselves with the troubling of their brethren. Such were the fruits of that meeting at Linlithgow; and no better can be looked for of Conventions or Assemblies not convocat, nor constitut, according to the Acts and order of the Kirk.

Because the Act of Linlithgow was not exhibit till half a year

after that it was revised at Court, and falsified, I have here sett it downe as it was adulterat.

"Thereafter, having considered the Overture proponed unto them in his Majestie's name, and finding it in shew to carry some appearance of novation in the Discipline of the Kirk, and fearing that it might bring with it some inconvenients: Therefore the Conference wold not take upon them to determine their advices thereanent, till first the matter were exactly reasoned in their presence, and sufficient remedie devised for preventing of all inconveniences which might be feared to follow thereby. Whereupon a good number of the most learned, godly, and wisest of the brethren of the Conference, being appointed to reason, and heare one after another; and having exactly, at good length, reasoned and examined whatsoever inconvenient might follow upon the establishing of the said overture: It was considered, and found at last, by ane universall voice and consent of the whole Conference, without contradiction, that the said Overture was both wise and godly, and tending in many wayes to the weell of the Kirk; providing that certain Cautions were observed, for preventing of such evills as might happen to fall out, in case the said Moderators, or any of them, should either arrogantly presume to usurp any farder power in the said Presbyteries and Assemblies, than is comely and lawfull for Moderators, in such cases, to do, and presently use; and without innovating or altering at their owne fancies, and at their owne hands, the custome that discreet Moderators have, and ought to have used in that place; or otherwise be found remisse in proponing and prosecuting of any good purpose or overture, which should be given in by the brethren, or any of them, to the said Presbyteries and Assemblies: and according to the doubts which in reasoning were found out and feared, the Cautions following were agreed upon:—

"1. That it be provided, that the Moderators of the Presbyteries and Provinciall Assemblies, to be nominat and chosen according to his Majestie's overture, shall presume to do nothing in the Presbyteries and Provinciall Assemblies where they moderat, without the speciall advice and consent of their brethren.

"2. That the acts of the Generall Assembly, and Caveats therein prescribed anent Bishops, be observed.

"3. That they shall use no jurisdiction nor power farther than the Moderators of Presbyteries and Provinciall Assemblies have been in use [of], by the constitutions of the Kirk before.

"4. In case it shall happen, the Moderators of Presbyteries or Provinciall Assemblies to be absent in tyme of their Convention, then it shall be in the power of the said Provincialls and Presbyteries to nominate and choose out the wisest and gravest of the brethren present, to be Moderator in their meetings in absence of the Moderator.

"5. When the place of the Moderator in any Presbytery shall happen to vaik, the election of another to succeed in his roome shall be made by the whole Provinciall Assembly, with consent of his Majestie's Commissioners, if any happen to be there present for the tyme.

"6. And when any of the said Moderators shall happen to depart this life betwixt Assemblyes, it shall be lawfull to the Presbyteries to nominate one of the gravest and worthiest of that number, to continue in the moderation of the Presbytery, till the nixt Provinciall Assembly.

"7. The Moderators of the Presbyteries shall be subject to the tryall and censures of the Provincialls: And in case it shall happen that they be found to have been remisse in the discharge of their duties, or to have presumed to usurp over their brethren any farther power than is given them by the Assembly, it shall be unto them a cause of deprivation from their office of moderation, and they shall be deprived thereof by the saids Provincialls.

"8. In like manner, the Moderator of the Provinciall Assembly shall be tryed and censured by the Generall; and if he be found there to have been remisse in his office of moderation, or to have usurped any farther power than the simple place of a Moderator, he shall be deprived of the said office of moderation by the Generall Assembly.

"9. That the Moderator of each Presbytery and Provinciall As-

sembly, with their Scribes, be chosen, faithfull, wise, and formal men, being astricted to be present at each Generall Assembly, as members thereof, and to have their Register of the acts and proceedings of the Presbyterie and Provincialls there present with them, that their fidelity and diligence may be seen by the Generall Assembly, and the state of the country thereby knowne.

"10. That it shall be leesum to each Presbyterie to send Commissioners to the Generall Assembly, by and attour their Moderator and Scribe, two or three, according to the act of the Generall Assembly anent the Commissioners from Presbyteries to Generall Assemblies, if they shall think it expedient.

"11. For it is hereby declared, that, notwithstanding of any thing done at this tyme, the Sessions, Presbyteries, Provinciall and Generall Assemblies, are to be observed, keept and obeyed, as they have been heretofore.

"12. That the Moderator of the Generall Assembly be chosen by vote of the said Assembly, certain leets being first nominated, and proponed freely, as use hath been in tymes bypast.

"13. That in every provinciall Assembly where there is no Bishop making residence actually and lawfully, and having the moderation of one of the Presbytries, the Moderators of the Presbytries within the said bounds being proponed in leet, the meetest of them shall be chosen by the said Assembly to be Moderator, his Majestie's Commissioner's consent there present being had thereto.

"And farther, the Conference having examined the rolls of each Presbytrie, to see if any was meeter to use the office of moderation than these who before have been nominated to have the care of the delation of Papists, and non-communicants, they found, in their judgment, that the same persons were, of all others, in every Presbyterie, meetest, as well to moderate as to have the care of delation foresaid; reserving always to the ministers of each Presbytery here conveened, their own priviledge and power to nominate to the Assembly a meeter, if any be in the Presbyterie for moderation. And therefor the said Conference findeth it expe-

dient, that the persons foresaid accept in and upon them presently, the said [office of] moderation within their Presbyteries *respective*, and that the said Presbyteries embrace and allow of them: And for this effect, that the said Moderators and Presbyteries be requested thereto earnestly by this Assembly, and if need beis, likewise charged that the Kirk of God be not long frustrate of the comfortable effects that the foresaid order is able shortly by the grace of God to produce."

"This Overture being proponed and declared at length, in presence of the full Assembly, every article and head thereof was, with an uniforme consent and allowance, approved of all without contradiction, except only so farr as concerneth the Moderator in Presbyteries, and their continuance in the office of moderation beyond the accustomed tyme: Whereanent certain doubts being proponed and satisfyed, and the bishops having given their declaration, out of their own mouths, anent their intentions and purposes to be subject to the Acts and Caveats of the Generall Assembly, and to make residence within such a place as shall be limited to every one of them by this present Generall Assembly; and, if it should be found expedient for the weell of the Kirk, that other meeter and more worthy than they possess and occupy their places, to dimitt their benifices at the pleasure of the Assembly, his Majestie's consent and approbation being had and obtained thereto, wherein they promised (if need were) to be earnest suiters at his Majestie's hands; like as some of them declared, that they had already most humbly craved the same of his Majesty, for the respect they had to take away all offence from the brethren: providing alwayes, if either upon his Majestie's advice and proposition to the Assembly, or upon their own supplication, the Generall Assembly be moved hereafter to grant them any relaxation of any of the Caveats which, upon good reason, might appear to the said Assembly to be over straight, that this their promise shall make no derogation from the liberty which the Assembly hereafter shall be moved to grant them.

"It was voted, and by plurality of votes concluded, to wit, his

Majestie's Commissioners, whole Nobility, Earles and Barrons, to the number of thirty-three, togither with an hundred and twenty-six of the Ministery voteing *affirmative*, that the said overture anent the continuance of the Moderators, while the present divisions of the Kirk should be removed, and the whole brethren brought to that unity of mind and affection which is agreeable to their calling, and may serve best to the furtherance of the cause of God, and the overthrow of all contrary causes, and the Papists either fully repressed, or brought to the obedience of the Gospell, should passe and be enacted as one of the conclusions of this Assembly, the foresaid Caveats being always keept by every one of the said Moderators, and the contraveeners censured and punished, as is before expressed; four only of the whole Assembly by their votes disassenting therefrom, and other four refusing to vote for want of commission from their Presbyteries, and two being *non liquet*.

"Extract furth of the Books of the Acts of the Assembly at Linlithgow, and subscribed by the Moderator and Scribe thereof.

"JAMES NICOLSON, *Moderator*.

"Mr HENRY PHILLIP, *Scribe*."

This Act contrived in this forme hath sundry clauses and words which were not mentioned, or, at least, concluded in this Convention; as, for example, "That Bishops should be Moderators of the Synods." "That the Moderators of the Presbyteries should be constant members of the Generall Assemblie." "That the Presbyteries should be charged to accept the Moderators when they are nominat." Yet in this falsified act of that pretended Assembly, we see that the Bishops professe their intention and purpose to be subject to the Acts and Caveats of the Generall Assembly; yet they think the Caveats so strait, that they wold have a relaxation, which bewrayed their intention was not upright. In the twelfth Caveat, they acknowledge that the Moderator of the Generall Assembly should be chosen by vote of the Generall Assem-

bly, certain leets being first made and freely proponed, as hath been the custome in former tymes.

The eight Ministers were again charged upon the 3d of March 1607, to enter and remaine in some Bishops and Deans houses; but upon their entreatie, that purpose was changed. But Mr Andrew Melvill was drawn before the Counsell of England upon the 26th of Aprile, and sent immediately from the Counsell to the Tower; where he was detained four yeares, and thereafter went to Sedan. Upon the 6th of May, the rest were sent for to Court, and then Mr James Melvill was charged to remaine in Newcastle; Mr James Balfour in Cockburnspath; Mr Robert Wallace in Lauder; Mr Adam Colt and Mr William Watson in their owne paroches; Mr William Scot in his owne paroch of Couper in Fife, providing he returned a testimoniall of his good behaviour from Mr George Gladstones, Bishop of St Andrews; that failling, he was to returne to London. Mr John Carmichaell had obtained licence before to returne, but was confined in his own paroch; Mr James Balfour his confynement was not long after changed; and Mr Robert Wallace was confyned in his owne paroch.

About this tyme, Mr William Cowper, afterward Bishop of Galloway,* sent this letter following, to the Bishop of Dumblane :—

"BROTHER.—I have receaved your commendations from B., which were needlesse, if you had keept your wonted heart. As for me I never hated you. Your course wherein you are entered I never loved. Although the fruit you enjoy be sweet, yet the end shall prove it never grew on the tree of life. Doing in a work of conscience with doubting, turneth light into darknesse, whereupon followeth induration. Whereof it followeth, that many in our Kirk, without feelling, are coursers against their brethren that have done more good in the Kirk for the edification of others, than ever themselves did; haveing neither eyes to see nor hearts to feell how dangerous their estate is; who cannot rise but with the falling of many, who in God have entered this ministery; clos-

* Cowper who was Minister of Perth, accepted the Bishoprick of Galloway, in 1614. He died at Edinburgh on the 15th of February 1619.

ing the fountains that God hath opened. One of your owne told me, long ere the last ministers went to England, that they were written for to reason; but the end proved prison, and no appearance of returneing to some of them. These are the first fruits of your preferment. Here you stand, and therefore I cannot stand with you, except it be to witnesse to God in my heart against you, that you have gone wronge. You hope in this course to do good; but it is hard for you to work miracles. At least you will hold off evill; but how shall you draw in a yock with them that are drawing on evill daily? You will not go beyond the Caveats of the Generall Assembly; but the answer given to the Commissioners of the Kirk, at the last Parliament, by the Chancellor,—'We enter not Bishops according to an act of the Assembly, but according to that which they were a hunder years since,'—*detexit fraudem.* I heard it given, and so did the chiefe of themselves, A, B, C. You skarr at them whom you were blyth to see; you like not the light you loved; you count those preachings unpleasant, wherein you were wont to rejoice. These may tell you, you have fallen. Consider with yourself, where you was, where you are now, *et quantulum illud sit propter quod nos reliquisti.* Thus, loving yourselfe, but not your way, I end."

At the Convention holden at Linlithgow, the last Tuesday of July 1607 was appointed to be the dyet of the nixt Generall Assembly; but upon the penult of June 1607, the Assembly, by proclamation, was prorogate to the 4th of November following, and then to be holden at Dundee. The pretended reason of the prorogation was the distractions amongst the ministerie; the bringing in question or opposing to the acts and proceedings of that most grave and frequent Assembly, holden at Linlithgow in December last bypast; and the increase of Papists. The Synods were charged to conveen the 4th of August, and to choose two of the wisest of their number to conveen with the Commissioners of the Generall Assembly, and such of the Counsell as it should please the King to nominate, at Holyroodhouse the 27th of August 1607, to conferr, reason and resolve, by common advice,

upon the most convenient remedies against those evills, which, for the lack of sufficient preparation, might fall out at the nixt Generall Assembly; but the chief end was to prepare men for furtherance of the present course. But because the Parliament was to begin the first of August, the meeting of the Synods was continued till the 8th of August. But there was no meeting nor conference at Halyroodhouse upon the 27th of August, because either the Synods appointed no Commissioners, or were abruptly dissolved through the earnest urgeing of constant Moderators. And Mr James Nicolson, the chief deviser of plots for advanceing of this new course, had departed this life,* not without great sorrow and remorse; for he saw his devices crossed, neither the King nor the Kirk contented, but his owne estimation much impaired by urgeing a forged act impudently, and advanceing that course which before he had condemned. He would not suffer the stile of Bishop to be put in his latter will. Mr David Lindesay, then minister of Dundee, his familiar friend, set downe his last speeches in Latine verse, and, among the rest, his exhortation to himselfe not to haunt the Court, but to eschew all imployments which might distract him from his calling; but he made no scruple, notwithstanding, to accept the Bishoprick of Brechin, and now, of late, this Bishoprick of Edinburgh. †

The Generall Assembly was again prorogate, by proclamation, to the last Tuesday of Aprile 1608, to be holden then at Dundee. The reasons alledged were, The neglect or disdain of the Synods to send Commissioners to a common meeting in August. Nixt, The neglect of those who were appointed in the last Generall Assembly, before his Majesty's departure, to visit the bounds committed to them. Third, The visitation of Dundee with the plague. But as for the First, the Synods sent not Commissioners, because they were dissolved abruptly, or were otherwise disturbed with obtruding

* He was Minister of Meigle, and was preferred to the See of Dunkeld in 1606; but he died on the 17th of August 1607.

† He was appointed Bishop of Brechin, in 1619, and was translated to the See of Edinburgh, 17th Sept. 1634.

the constant Moderators. As for the Second, the Generall Assembly ought not to have been stayed, which was acknowledged at the Convention at Linlithgow, to be so needfull, for the negligence of some visitors. Nixt, Their commission of visitation expyred, if not at the Assembly holden last at Aberdeen, which we maintain to be a lawfull Assembly, yet, at least, at the last Convention holden at Linlithgow, which they themselves bore out as a lawfull Generall Assembly. But the truth is, some of those visitors had attained to bishopricks, and, under colour of visitation, were to settle constant Moderators in Presbytries where they were not yet receaved, and to procure among the Presbytries such Commissioners to the nixt Generall Assembly as would give way to their course.

The Assembly was again, notwithstanding, prorogat, by proclamation, till the last Tuesday of July, because, as was alledged, the unseasonable weather had hindered the visitors to proceed in their visitation, and his Majesty was minded to be present at the said Assembly, to settle the present jarres and differences of the Kirk; but I have pointed before at the true causes.

Mr John Murray, minister at Leith, was wairded in the Castle of Edinburgh, for some passage of his sermon which he had in Edinburgh at a Synod, which was printed after at London without his knowledge. The new-styled Bishops had conceaved malice against him before, because he had publictly condemned the condemning of the ministers at Linlithgow. He opposed to the receaving of a constant Moderator in the Presbyterie of Edinburgh. He opposed, in his sermon at Leith, first to Gladstones, and afterward to Spottswood, who came to Leith accompanyed with five or six other Bishops, of purpose, as it seemed, to sing the triumph over the good cause, and the banished ministers. Leith was then the chiefe place of their consultations and compotations. After the Counsell had dismissed him favourably, and sent him home to his charge, the King being stirred up by the Bishops, sent a sharp rebuke to the Counsell, and a warrant to the captain of the guard, to apprehend him and to committ him to

waird. So, without any new citation, only upon the King's private direction, he was apprehended and committed to waird in the Castle of Edinburgh. So the Bishops preached in Leith what they pleased, had their consultation, under pretence that they were Commissioners of the Generall Assembly, advised upon directions to Court, and answered directions from Court.

So many of the Bishops as had the power of visitation committed to them in the year 1602, before they were provided to bishopricks, went through their circuits. By policie on the one side, and policie on the other, they got too great advantage in some Presbyteries, in the choise of Commissioners to the nixt Generall Assembly. Mr James Law, then stiled Bishop of Orkney, assured the Presbyterie of Jedburgh, that, being authorized by the King's command, and commission of the Generall Assembly, he wold not stand to proceed *cum jure et potestate utriusque gladii*, if they repyned at his visitation. Yet George Johnstoun, minister at Ancrum, and Mr David Calderwood, minister at Crailing, declined him in May 1608, because his commission, as they alledged, was expyred, and he came without his conjunct Visitor, Mr John Carmichaell; and the Act made in the Assembly 1602, containeth a blank, for inserting the tenor of the edict to be served at paroch kirks; which [edict] should have been conceaved by three brethren deputed by that Assembly, who never mett for that purpose; and, lastly, because, since that act, he was provided to a bishoprick. But it was not the intention of that Assembly to arme such men with such power. After the declyners went forth, he dispatched the visitation, and the choice of the Commissioners to the nixt Assembly, in the space of two hours. These two brethren had been chosen before; but at this visitation he procured a new choice. Mr John Abernethie* was admitted constant Moderator of the Presbyterie, which he could never attain unto before. I passe by his double dealling, in seeming at first to joine with the declyners, that he might egg

* He was Minister of Jedburgh, and was preferred to the Bishoprick of Caithness in 1624, still retaining his parochial charge. He was deposed by the General Assembly in 1638.

them forward, and, in end, deserting them. The two brethren were put to the horne; but the registration was, after great intreaty, stayed: yet were they called before the Counsell, and, with great difficultie, obtained any favour. So their punishment resolved in a confinement within their own paroches; and they were debarred from the Presbyterie, and accesse to the nixt Generall Assembly to complaine.

By a letter dated at Greenwich the last of May 1608, and directed to the Chancellour and remanent Lords of the Secret Counsell for erecting two Courts of High Commission, we may easily conceave what the Bishops were contriveing for advanceing of their course, and what Spottswood was then practising at Court; for the letter is grounded upon a complaint, alledged made by him in behalfe of the Presbyteries, whereof they were, notwithstanding, altogither ignorant. But the King's will, touching the Courts of High Commission, was not published till February 1610; to which place I referr the reader for farder information.

The Bishops used sundry means to effectuate their purpose at the nixt Assembly Generall. 1. In imprisoning and confyneing moe brethren. Nixt, The modification of ministers stipends, which was wholly committed to them. They allured some by augmentation. By diminution they weakened others, and that so covertly, that one cause was pretended publickly, and another alledged secretly. 3. The procuring of such Commissioners as wold not oppose to their course when they visit their circuits. 4. The pretence of a conference which was to be holden at Falkland the 15th of June.

The Bishops, and so many other Commissioners of the Generall Assembly as were upon their course, conveened in the chappell of the Palace of Falkland. The ministers conveened in the kirk of the towne, and choosed Mr Patrick Simpson, minister at Stirling, to be their Moderator. By prayer and conference they tasted a little of that sweetnesse and comfort of their old meetings. In end, they agreed on some Articles to be given in to the Bishops and Commissioners, for concord and peace, which were gravely pro-

poned to them by Mr Patrick Simpson, in name of the rest:—

"1. That the Cautions of the Generall Assembly be insert in the body of the Act of Parliament made in favours of the Bishops, and that they be censured accordingly, as was craved by the Commissioners of the Generall Assembly at the Parliament holden at Perth, where the said act was made.

"2. That the Discipline and Government of the Kirk, practised, established, sworne, and subscribed unto, stand inviolable.

"3. That the Assemblies, Generall and Provinciall, be restored to their own integrity, as more effectual means to bear downe the enemies.

"4. That the banished and confyned brethren, God's faithfull servants, be restored to their owne places and liberties."

They * seemed to like well of these Articles, but, say they, "It behoveth to conferr and agree upon them at the nixt Generall Assembly, that his Majesty may be the rather moved to consent to them;" and so they shifted the matter. They pretended they were desyrous that the nixt Assembly might be keept peaceably, with the King's licence and good liking, which could not be obtained, unlesse the articles following were yeelded unto.

Mr John Hall certified the ministers, that the Earle of Dumbar, with some English Doctors, and a great number of old and new made Earles, Lords, and Knights, were coming downe to overthrow the discipline and the government of the Kirk with one blow, at the nixt Generall Assembly. By which pretences and faigned tales, the ministers were moved to consent to the Articles following to be recommended, by way of advice, to all the Presbyteries:—

"1. That the questions presently standing in controversie amongst the Ministers anent the matter of Government, be untouched and unhandled on either syde, till the nixt Generall Assembly; and no occasion be given, by private or publick speeches, of any farther distraction of minds, but that all kyth themselves to others by good countenance, and otherwise, as brethren and

* The Bishops and Commissioners of the General Assembly.

concording ministers of Christ,—setting themselves, with their endeavour, specially in doctrine, against Papists their superstition in religion, and pernicious practices.

" 2. That the Generall Assembly hold at the tyme appointed, that is, the last Tuesday of July; and that his Majesty be most humbly intreated for that effect.

" 3. In the said Assembly, the common affairs of the Kirk shall be handled, an account taken of the commissions given in the last Assembly preceeding; and some solid course advysed upon, for disappointing the practices of the enemies.

" 4. That nothing which is in controversie, and maketh striffe in the Kirk, be treated in the said Assembly, but the same be conferred upon in a privie conference, by such as the Assembly shall appoint, to prepare a way for composing of these differences; and that the Assembly appoint a meeting of some brethren, at such tymes, place, and manner, as they think fitt for that effect.

" 5. That request shall be made to his Majestie for relaxing of the brethren that are confyned, and especially of such of them as have been present at this Conference, that they may keep the said Assembly."

It was not the mind, notwithstanding, of the Bishops, that Mr William Scot and Mr John Carmichaell, which were of the number confyned, should have liberty to be at the nixt Assembly, notwithstanding of the pretences that were made by them at this tyme. So deceitfull were they in all their courses, even then when they seemed inclinable to peace and unity.

Doctor Dounam his sermon which he had at the consecration of the Bishop of Bath and Wells, for the maintainance of the authority of Bishops above ministers, was printed, and some copies sent to Scotland.

The Generall Assembly appointed to be holden at Dundee was holden at Linlithgow the last Tuesday of July 1608. Mr James Law, Bishop of Orkney, was chosen Moderator by plurality of voices. The difference of the votes betwixt him and Mr Patrick Sympson stood only upon three, howbeit there were present

about forty noblemen and gentlemen called thither by the King, all voting for Mr James Law; and yet if the votes of the best affected of the ministery had not been divided in giving their voices, by reason of Mr Patrick Sympson his bodily infirmity, Mr Patrick had been chosen. This gave appearance that the sincerer sort were able to resist any conclusion prejudiciall to the cause.

Much ado there was about Papists and Papistrie. An ordinance was made for excommunicating of Huntly, Angus, Errol and Sempill. It was ordained, That the Commissioners of every Synod conveen severally, and sett downe a roll containing the names of the Papists within their bounds. 2. The causes why Papistrie, superstition and idolatrie were come to such a hight. 3. Remedies for suppressing both professed and covered Papists. 4. What form of proceeding every Synod has used against the Papists within their bounds. The particular rolls were produced, revised, abridged and put in order. It was thought good that the names of the Papists should be sett downe in a book, and some chosen to present it to his Majesty. The cheef causes of the increase of Papists were thought to arise either from negligence of ministers in catechising of youth, or rash and sudden admission of them to the ministerie, or from want of care to consider the course of the enemie, or distraction among themselves: or to arise from others, as by overseeing Jesuits and Seminary Priests to traffict within the countrey, and the impunity of such as receave them; the preferment of men suspected in religion to publick offices; the favour showed by those that are in authority to traffiquers, and excommunicat Papists after they have been apprehended and warded;—that Presbyteries are hindered from proceeding in the tryall of mass-sayers and mass-hearers by the Lords of Secret Counsell, [either] by advocation before the Lords, or dispensation to such as are excommunicat, or by countermanding the Presbyteries to desist, under pain of horning; and excommunication being produced against any person before the judges, that the same is not regarded;—that great liberty is granted to subjects to repair to countreyes where nothing is professed but Papistrie, and no security taken for

their constancie; and especially, that noblemen's sons are sent with such convoy as may delyver them in the hands of Papists;—lastly, want of preachers in many congregations. Many good overtures were devised for remedy. Some were appointed to present the Causes and Overtures to his Majesty, and to report answer to a number of Noblemen, Barrons, Commissioners of burghs and Ministers, who were appointed to conveen at Edinburgh, upon the 15th day of November. Much was devised, but little performed. Yet this shew of hard dealling against Papists served to cover the Bishops present intentions, and was requisite at this tyme, when Matthæus Tortus * challengeth the King of his promise made to the Pope and the Papists. Constant Moderators were appointed at Linlithgow, to be agents against the Papists; and under that collour was allowed to every one of them a hundred pounds. But the pretended remedy devised then for the suppressing of Poperie, proveth now ineffectuall; and as much bussinesse, if not greater, is made at this tyme to cover new designes.

The Commissioners of the Generall Assembly were called to give an account of their proceedings. They alledged they could not produce their acts and proceedings, because Mr James Nicolson and Mr Richard Thomson, their scribes, keepers of the rolls, had both departed this life; therefore they offered to be tryed severally. Whereupon they were removed. Silence was taken for approbation; for the worthiest men in the ministerie, of greatest sagacity and judgment, were banished, imprisoned or confyned. Sundry reasons were alledged wherefore they should be continued. 1. Their moyen and provision. 2. Their credit with the King. 3. Their long practice and experience. Little opposition was made, but only a protestation, that the continuance of their commission for a year shall not prejudge the liberty of the nixt As-

* This refers to a work by Cardinal Bellarmine against King James's "Apologia pro Juramento Fidelitatis," which was published under the assumed name of Matthæus Tortus, and was confuted by Dr Lancelot Andrews, Bishop of Chichester, under the quaint title of "Tortura Torti," &c. Lond. 1609. 4to.

sembly, in choosing such whom they shall think meet and expedient; and that the selection import not any perpetuity of the office in the persons elected. But if the conditions aggreed upon at Falkland had not been violated, this continuation of the Commissioners had not been touched, seeing the controversies of our Kirk doth specially stryke upon their proceedings. The same Commissioners, for the most part, were appointed, who were appointed at the last Assembly. Some others were added for the fashion, and eleven might make a sufficient number. Eleven Bishops were nominated with the first. Eleven Bishops might make up a lawfull Convention of Commissioners, and, under colour of that commission, overrule the Kirk. This was a great vantage, howbeit they had obtained no farther. This point past before the maine head concerning distraction, it may be, for fear of some opposition.

Because the distractions and the eyelists among the brethren were alledged to be one of the most speciall causes of the increase of Papists and Papistrie, some were appointed to advise upon the best overtures for remedy. They found the eyelists and controversies to arise upon distraction of affections, or diversity of opinions. For remedy of the first, they thought it expedient, that the brethren presently conveened lay down all rancor, which they have borne against others in tymes bypast, that they join togither against the common enemy. This overture was imbraced, and those that were present held up their hands, to testify their hearty agreement, and ordained the Commissioners present to make intimation of reconciliation to their Presbyteries, that the like may be done in every Presbyterie: they discharged distractions or rancor in tyme coming; that such as trangresse be censured by their owne Presbyteries or Synods, and, in case of their negligence, by the Commissioners of the Generall Assembly. The second cause was found to arise upon diversity of opinions or different judgments concerning the externall government and discipline of the Kirk, which, because it could not be discussed at this present Assembly, it was thought expedient that some be appointed to reason, treat, and advise upon all matters

standing then in controversie amongst the brethren anent the discipline of the Kirk. This advise was followed, which was devised by the Bishops of St Andrews, Glasgow, Rosse, Orkney, Mr John Hall, Mr William Couper, then a court minister, and Mr Patrick Simpson, too credulous and easily deceaved by the rest. The Bishops of St Andrews, Glasgow, Dunkelden, Orkney, Cathnesse, Messrs Patrick Sharp, Robert Howie, John Mitchelson, Henry Phillipp, George Hay were appointed for the one side: Messrs Patrick Galloway, John Hall, Patrick Simpson, William Scot, Archibald Oswall, John Knox, John Carmichaell, Adam Bannantine, John Weems and William Couper for the other partie, to conveen with his Majesty, or such of his Majestie's Counsell as his Majesty shall appoint. They were ordained to report to the nixt Generall Assembly, and, in the mean tyme, till the nixt Generall Assembly, for an interim, that the advice of the brethren conveened at Falkland, the 16th of June last bypast, be observed anent the constant Moderator.

Under pretext of reconciliation, the Bishops obtained in a manner an oversight for their bypast transgressions, and a mean to insinuate themselves in the affections of the simpler sort. Under pretext of conference for removing of difference of opinions, they thought to have brought in suspense and question the whole Discipline of the Kirk, howbeit they themselves professed they had no intention to alter it. The true ground of the distractions was not difference of opinions, but the avarice and ambition of some aspyring to prelacies, and trampling under foot their brethren, that they might the more easily attain to preferment. The ministers appointed, for the sincerer sort, were chosen at the pleasure of the other party, of which some were present, others confyned and absent. Mr Adam Bannantine* and Mr William Couper became Bishops not long after. Mr Patrick Galloway and Mr John Hall were two pernicious instruments, circumveening many of the ministerie with their pretences. If there had been any upright dealling, Mr James Melvill,

* Adam Bannatyne or Bellenden, Minister of Falkirk, was appointed Bishop of Dunblane in 1614, and of Aberdeen in 1635. He was deposed in 1638.

Mr William Scot, Mr John Carmichaell and others, wairded or confyned, had been set at liberty, that they might have been present at this Assembly. Mr Patrick Simpson was the man of chief note of these who were present. It became them to have refused all meddling with such matters, till the brethren who were skillfull and able had been set at liberty.

Motion was made to the Moderator to request the King's Commissioner, with the rest that were to be sent up to Court, to request the King, in name of the Assembly, to grant the banished and confined Ministers their wonted liberty. They promised to do so for the rest, but not for the banished brethren, to whom the King would grant no relief without confession of a fault; but what sincere dealing there was for the rest, ye shall see soon after in the treacherous instructions given by Mr Gavin Hamilton, Bishop of Galloway.

The Moderator pressed to have Bishops appointed visitors of their owne diocies, but it was yet resisted; and therefore all visitation except of the kirks of the unplanted Daills * was left off, as if no visitation could be had without those who were styled Bishops.

The Assembly appointed to be holden in November was stayed and delayed till January. Spottswood, Bishop of Glasgow, and Mr William Couper, reported that the King commended the proceedings at Linlithgow Assembly; that he had granted absolutely concerning Papists or Papistrie. As for the brethren banished, imprisoned or confined, if they would make an humble supplication for their liberty, so gentle and clement was his Majestie, that he wold be ready to grant them their suit. Some things passed to grace the Bishops: 1. That they should be examiners of pedagogues that went with noblemen and gentlemen's sonnes out of the countrey. 2. That no young gentleman, suspect of Poperie, be entered to their lands till they have the Bishop's recommendation to the inquest, and a testificat of their soundnesse in religion.

* That is, "the kirks of Annerdaill, Ewesdaill, Eskdale, and the rest of the kirks of the Dales, which are altogether unplanted." See the Act of the Assembly in reference to this in Calderwood's History, vol. vi. p. 774.

After the dissolving of this Convention, Mr Gavin Hamiltoune, Bishop of Galloway, was sent up to Court. The Memorialls sent at that tyme for his direction, penned and written by Mr Spottswood's owne hand, but with the warrant and advice of the rest of the Bishops, and found among Mr Gavin's writs immediately after his death, I have here set downe, that the Reader, by this one, may collect what sycophanticall and treacherous letters they wrote up to the Court. They protested at Linlithgow, that they were innocent of any hard dealling used against the ministerie, or of misinformations given to his Majesty; but here they urge the confynement of Mr John Murray in a barbarous part of the countrey, because the Castle of Edinburgh was too near his owne paroch in Leith, where they had their consultations. Ye may perceave what sincerity there was in the pretended reconciliation at the last Assembly, or in appointing a conference to remove differences of opinion; which was not yet holden. They delated Counsellours, Sessioners, Ministers. They seek presentation of ministers to modified stipends to be put in the King's hands, that none may be presented but such as favoured their course. They seek the Commissariat's place, and a place among the Senators of the Colledge of Justice. More of their knaverie the judicious Reader will find in considering every article.

### MEMORIALLS TO BE PROPONED TO HIS MOST EXCELLENT MAJESTY.

"You shall relate the proceedings of the late Convention, and what affection some that were present kythed therein, that his Majesty may be foreseen with men's dispositions, for the better choice of those to whom the affairs shall be concredited.

"You shall remember the care we have had in reclameing the Marquesse of Huntly and the Earle of Erroll from their errors, and the small profit we have seen thereof, and insist for his Majestie's favour to the petition of our letter.

"Anent the Ministers that were confined, your Lordship shall

excuse the request made by us in some of their favours, showing how it proceeded; and farther declare, that of late they have taken course to give in supplications to the Counsell for their enlargeing to a certain tyme, for doing their particular businesse at session and otherwayes in the countrey; and that some of them have purchased licences by the votes of the Counsell, although we opponed. Therefore beseech his Majesty to remember the counsell, that the confyning of these ministers was for faults done by them to his Highnesse selfe, and that they should be acknowledged and confessed to his Majesty, and his Highnesse pleasure understood therein, before the grant of any favour; otherwise, they shall undo all that has been hitherto followed for the peace of the Kirk.

"Touching the Erections, it is our humble desire to his Majesty, that the Noblemen, in whose favours the same have been past, may take order for the provision of their kirks, according to the conditions made in Parliament, or then discharge their erections, which seemeth best to be done by ane act of this ensuing session of Parliament, for which his Majesty's warrant wold be had: And likewise, some course would be taken for the Prelacies erected which have past, also the Constant Platt; that the Presentation of ministers to modified stipends at the vacancie of a kirk should be in his Majestie's hands; whereunto, though his Majestie's expresse commandment was given of before, no heed was taken by such as had the charge of the affairs.

"Since the matter of the Commissariats importeth so much to the reformation of our Church government, as this being restored in a little tyme, the rest may be supplied that will be wanting, it shall be good to remember it by a serious letter to my Lord Dumbarr, that we may know in due tyme what is to be expected. And since our greatest furtherance is found to be in the Session, of whom the most part are ever in heart opposite unto us, and forbear not to kyth it when they have occasion, you shall humbly intreat his Majesty to remember our suit for the Kirkmen's place, according to the first Institution; and that it may take at this tyme some begin-

ning, since the place vacant was even from the beginning in the hands of the Spirituall * side, with some one kirkman or other untill now; which, might it be obtained, as were most easy by his Majesty's direction and commandment, there should be seen a sudden change of many humours in that Estate, and the Commonwealth wold find the profit thereof.

"Anent our conference with the ministerie, your Lordship will declare the tyme that is appointed, and the reasons of the continuation of the same.

"Because, in tyme of Parliament chiefly, it should be expedient to have the Bishops teach in the pulpits of Edinburgh, his Majesty wold be pleased to commend this to my Lord Dumbarr by a particular letter; and to requyr also the ministers of Edinburgh to desyre their help at that tyme, if it were for no other end, but to testify their unity and consent of minds to the Estates.

"Because the Kirk of Leith lyeth destitute in a sort, through the Bishop of Rosse his age,† and the imprisonment of Mr John Murray, and that the said Mr John is no way minded, as appeareth, to give his Majesty satisfaction, neither were it meet, in respect of his carriage, that he should returne to that ministerie, and to insist in his deprivation with the Commissioners might perhaps breed us a new difficulty; if his Majesty shall be pleased, we hold it most convenient for this errand, that the said Mr John be conveened before the Counsell by his Majestie's command, and by them charged to waird in the towne of Newabbey and some myles about; having liberty to teach that people, amongst whom he shall find some other subject to work upon than the estate of Bishops. And for the provision of Leith, that his Majesty wold be pleased to command the Presbyterie of Edinburgh in regard

* At the institution of the Court of Session in May 1532, it was provided that one half of the Judges be of ecclesiastical dignity; hence the distinction of Spiritual and Temporal Lords, which was generally observed until the act 1640, by which all the Judges were ordained to be Laymen. (Brunton and Haig's Senators of the College of Justice, p. xxxvii.)

† Mr David Lindesay, appointed Bishop of Ross in 1600, continued to officiate as one of the ministers of Leith. He died before the year 1613, at the advanced age of 82 or 83.

of the Bishop of Rosse his age, and the said Mr John his transportation, by his Highnesse appointment, to have care that the said kirk of Leith be planted with all convenient diligence, by Mr David Lindesay,* sometyme minister of St Andrews, for whom both the people is earnest, and we may have sufficient assurance to his Majestie's service. And in case the said Presbyterie prove willfull, that another letter to the same effect may be sent to the Commissioners of the Generall Assembly, who may take order to see that matter ended, if such shall be his Majestie's pleasure; and this wold be done with all diligence convenient.

"We cannot but remember also, the misorder keept in the countrey, that once was happily repressed, the wearing of guns and pistolls; and humbly beseech his Majesty, that some new course may be established, for searching of such persons and delating of them to the Counsell, that they may be punished; and the Thesaurer may have command to make choise in every countrey, of certain that shall be thought fittest to search, who shall be knowne only to his Lordship's selfe, and satisfie them for their pains, to the end this insolency may be restrained. Particularly, it wold be forbidden, in the granting of Commissioners, that this liberty be not permitted; for this is one of the causes of their so often bearing, as said is.

"These particulars, your Lordship will have care to propone to his Majesty at some fitt tyme, and see the answers thereof dispatched accordingly.

"GLASGOW,
"By the warrant and desire of the rest of my Lords, the Bishops."

"Your Lordship shall remember my Lord Cathnesse† of his pension.

* This David Lindesay was translated from the second charge in St Andrews, to be minister of Forgan, in 1606; and from thence to Leith, in 1609. He is thus not to be confounded with David Lindesay, minister of Dundee, and afterwards Bishop of Brechin.

† Evidently Alexander Forbes, Bishop of Caithness, from 1606 to 1615, when he was translated to Aberdeen.

" My Lord, When your Lordship shall speak for the help of our kirks, by the fall of those men that possessed our livings, and do justly incurr his Majestie's indignation by their heinous offences, be pleased to remember the place of Lanerk. The possessors of the tithes be now excommunicat, and at the horne. Desyre his Majestie's favour for the grant of them to Mr William Birnie, minister there,* whose disposition your Lordship knows to his Majestie's service; and his Highnesse letter for that effect, to my Lord Treasurer, that he may be possessed in the same with all convenient diligence. Likewise remember the provision of Cramond, and the Bishop of Dunkelden's interest to these stayes.

" GLASGOW."

The Conference appointed by the last Assembly was holden at Falkland in the beginning of May 1609. After the reading of the Commission of the Generall Assembly, and the King's missive, Mr Patrick Sympson's letter was read. He excused his absence with the infirmity of his body, and, withall requested, that there be no disputation against the established Church Government, because there is no particular commission from the Generall Assembly to that effect; as likewise, because it is more competent to another generation to enter in controversie upon such questions than to us, who are not only bound by our owne promises and subscriptions, but also have induced others, by our travells, to submitt themselves to the discipline, as to the undoubted ordinance of God. Five were chosen for either syde to confer apart, and to set downe an order of their proceeding. The Earle of Dumbarr, the Lord of Fentounbarns,† and Mr James Law, Moderator of the last Assembly, and the ten who were nominat went to the King's chamber.

After the King's Commission was read again, some of the ministers objected that it was very generall, and desyred two things:

* Birnie was afterwards minister of Ayr. He published a work entitled " The Blame of Kirk of Burial," at Edinburgh 1606. 4to.

† John Preston of Fentonbarns, Lord President of the Court of Session.

—1. That the brethren amongst whom the alledged controversies were, should be known by some name, or some way designed, whereby the one party may be knowne by the other. Nixt, That the alledged Controversies should be condescended upon. For the first point, those who were for the part of the ministerie declared, that they agreed in judgment with the godly Fathers, reformers of the Kirk of Scotland, and such as had from tyme to tyme satt downe in the Generall Assemblies, resolved upon the Discipline, and obtained the ratification thereof: as also, they esteemed the Discipline receaved by our Kirk, and ratified by the laws of the countrey, to be the most godly and meit for the governing of Christ's Kirk within this realme. Those of the other syde could not condescend upon any particular nomination or designation, whereby their difference from such as had established, or adhered to the established discipline, might be perceaved; and indeed no other designation could be made, but that they were a faction of some few aspyring spirits troubling the Kirk, and seeking the overthrow of the discipline for their owne advancement. For understanding of the second point, the ministers desired that distinction might be made betwixt matters standing in controversie among the brethren, and matters *extra controversiam*. Under this last sort they take all things concluded in lawfull Generall Assemblyes to be comprehended. Likewise, that clear difference might be made betwixt private brethren's opinions and conceits, (put case the number were great), and matters in controversie, seeing nothing can be called controversie, in the Kirk, but that which hath been receaved as a doubt before in some Generall Assemblies, and dependeth as yet undecided; for there is an order concerning cases where brethren doubt and crave reformation, viz., that such matters should be proponed to the Generall Assembly *ordine et decenter, animo ædificandi, non tentandi*. Lastly, seeing the Generall Assembly at Linlithgow gave commission to treat of matters standing in controversie concerning Discipline, the ministers demanded what were the particular matters standing in controversie. Much tyme was spent, and some threatening used,

but no clear satisfaction returned to their demands. At last, was cast in this difference, that some of the brethren had receaved the constant Moderator, and others not: so that was a controversie in the Kirk, say they, whether the Moderator shall be constant or circular, as they used the terms. Another, that some of the brethren thought the Cautions should be keept; others that not. It was answered to the first, That the Assembly holden last at Linlithgow had expressely provided, that the advice given in the Conference at Falkland should be observed till the nixt Generall Assembly. So there was no warrant by their commission to call the accustomed and established order of moderation in doubt. Unto the second, it was answered, That the Cautions, after long reasonning and advisement had in Presbyteries, Provinciall and Generall Assemblies, were solemnly concluded in two Assemblies, the one holden at Dundee, the other at Montrose, his Majesty being present at both the one and the other; stand in full force unrepealled; and can no more be called in question by virtue of this Commission, than the acts anent vote in Parliament, or any other acts of Generall Assemblies. It was thought meet, notwithstanding, by the most part, (some nominate for the sincerer sort not being found), that both the moderation and Cautions should be put in question.

After those that went apart re-entered in place of conference, it was agreed by the most part, that these two points should be put in question:—1. Whether in Synods or Presbyteries the Moderation shall be constant or not? 2. Whether the Cautions sett downe in the Assembly holden at Dundee and Montrose should be observed and sworn to or not?—Because it was late, they dissolved for that night.

The day following, when the Moderator proponed, that one for either syde should be nominat to reason upon the first question, it was answered by the Ministers, that it was most convenient to reason by write, 1. For the eschewing of idle and hott speeches, superfluous digressions, and impertinent discourses, whereby brethren might be irritated, and tyme unprofitably spent. 2. For avoiding of different reports to be made by brethrene of different judg-

ments after the conference. Therefor, they requyred that the other party wold set down their opinion in articles confirmed with reasons, and promised to answer in as ample and succinct forme as they could possibly conceave. The ministers removed till they had advised upon ane answer. After their returne, the Moderator objected, 1. The custome of our Kirk. 2. The custome of conferences and colloquies. 3. His Majestie's prohibition. 4. Inconveniences which might follow; as, namely, that copies wold pass abroad, and come in the hands of enemies or Papists. It was answered to the first, That while the Kirk of Scotland had to do with the Counsell anent the treating upon, and concluding of the Heads of Discipline, they receaved writ one from another. To the second, That colloquies nominated by them had very evil consequences and effects, and others treating by writ had better succesee. To the third, That writt, whereby jangling of words, and tedious digressions might be avoided, was fittest for settling all matters peaceably, which his Highnesse declared was his intention. To the fourth, That in case of agreement, the interchanged papers might be burnt, and the conclusions agreed upon only put in writt. If they cannot agree, whatsoever shall pass in write, may by common consent be destroyed. Farther, the ministers alledged, that reasoning by word without a judge could not be had without tumult and confusion and contradictorie reports after the breaking up of the meeting, whereby the present distractions wold be made greater. When they should come before the Generall Assembly, the Judge Ordinary, they should be ready to reason by word or by writ, as [it] should please the Assembly to enjoyne.

In end, the Moderator desired either partie to advise upon some overtures for the peace of the Kirk. The ministers agreed upon five articles, but were not accepted. The advice of the other partie was read, little said for it, and nothing against it. In end, it was concluded by the most part, That two questions were proponed, but for shortnesse of tyme were not disputed; and, therefore, all farther treating upon the same to be continued till the first Tuesday of August, appointed for their meeting to that effect in Stir-

ling;—that they be ready at the said meeting to propone their minds either by word or writ;—and that they set down in writ all the differences which they do conceave in the matter of Discipline, that some solid course may be taken with common consent for removing of the same. In the meantime, it was thought expedient the Assembly should be prorogat till the first Tuesday of May nixt to come, to be holden at St Andrews, if so it please his Majesty. Carefull proceeding against Papists was recommended to the Presbyteries, and intertaining of brotherly love.

By this Conference, the Bishops aime at a pretended reconciliation. In the last Assembly, as by Commission which was granted for this Conference may be very clearely perceaved, it was, at least, to have themselves settled constant Moderators in Synods and Presbyteries, where they had residence, and a relaxation from the Cautions. Yet this much they gained, that no opposition was made to them at the nixt ensuing Parliament. Some of the ministers feared their associats wold play the prevaricators, in case there had been a conflict, and therefore were content the conclusion should passe in the forme above mentioned.

In the Parliament which was holden in June, the Bishops took place betwixt the Honors* and the Earles, ryding to the Parliament House. It was ordained, That such as were to direct pedagogues with their sons to foreign countreyes have a sufficient testimoniall from the Bishop of the diocie where the pedagogue for the most part made his residence lately before. *Item*, That the Bishop shall once in the year give up to the Treasurer, Countroller, Collector, or their Deputes, and to the Director of the Chancellarie, a roll of such in his diocie as are excommunicat for religion; and that the said Treasurer nor his Deputes receave no resignations, nor grant confirmations, nor infeftments in their favour; and that the Director of the Chancellarie and his Deputes,

* The Officers of State, who carried the Honours (the Sword, Sceptre and Crown) at "the Ryding of the Parliament," or, the public procession to the Parliament House, which took place before the opening of Parliament. This order of precedency granted to the Prelates, occasioned much umbrage to the Nobility.

give out no breeves nor receave no retours, direct no precept upon the retours or upon comprysings in any of the saids persons favours, till they produce to the said Treasurer, Comptroller, Director of the Chancellarie and their Deputes a sufficient testimoniall subscribed by the Bishop, testifying their relaxation from the said excommunication. So that which should have been granted to Presbyteries was concredited to Bishops to advance their credit and power in the country. The Bishops were ordained to call before them Papists, Jesuits, Seminary Priests, and their resetters, within their bounds *respective*, to try if they had contraveened the Act of Parliament made against them; and, after tryall, to report to the King's Advocate and the Lords of the Secret Counsell, that they may be conveened before them, and punished. In the 6th Act of this Parliament, it is declared, that his Majesty, with expresse advise and consent of the Estates, has restored the Archbishops and Bishops to their former authority, dignitie, prerogatives, priviledges and jurisdictions lawfully pertaining, or which shall be knowne to pertain to them, alwayes flowing from his Majesty as an ordinary jurisdiction doth,—and especially to the jurisdiction of Commissariats, and administration of justice by their commissioners and deputies in all spirituall and ecclesiasticall causes, controverted between any persons dwelling within the bounds and diocies of their prelacies and bishopricks, jurisdictions, &c. It is declared, That the restitution of the said jurisdiction be with expresse reservation of his Highnesse, and his successors, their prerogative and supremacie in all causes ecclesiasticall and civill. It was referred to the King to prescribe an order for the apparell of kirkmen, agreeable to their estate and condition.

The Commissioners, votters in Parliament, styled Archbishops or Bishops, become more insolent after this Parliament. As they grew in greatnesse, their whole behaviour, actions and speeches were changed, and many of the ministerie followed them.

The Conference was not holden at Stirling in August, as was appointed at Falkland. The Bishops growing daily more power-

full, through want of opposition, hoped to attaine to their intention more easily in an Assembly dressed and prepared for the purpose. The King himself fearing opposition by disputation in writ, was content that dyet should desert.

Mr George Gladstones, Bishop of St Andrews, and Mr James Law, Bishop of Orkney, went to Court about the beginning of October. What they contrived the event soon after declared.

In the beginning of November, the King declared by letter to the Counsell and Ministerie [of Edinburgh], that it was his will, that their pulpits should be patent to all the Bishops that were to be in the towne, and were desirous to teach. This point, and the other of the Commissariats above mentioned, were recommended the year preceeding to Mr Gavin Hamilton.

The King directed that the Session should rise the 25th of December, and not sitt downe again till the 8th of January. This was the first Christmasse vacancie since the Reformation.

Mr John Fairfowll, minister at Dumfermling, was called before the Counsell, at the King's direction, for praying for the distressed ministers within and without the countrey. For this great offence, he was confyned in Dundee during the King's pleasure. Our new Prelates made men believe confining was a mitigation of a heavier punishment; yea, they craved thanks for procuring this favour. The mercies of the wicked are cruell.

Upon the 20th of December, the King's pleasure was declared, That the extraordinary Lords of the Session should be discharged, which was thought very strange. But it was seen the nixt month what the matter meant; for Mr Peter Rollock * was displaced, and Mr John Spottswood was admitted in his roome, and the rest were restored again to their owne places. Spotiswood was the first of the new Prelates that took this place, directly contrarie to an article given in by his father to the Generall Assembly, *anno*

* Rollock, originally bred to the law, was admitted Bishop of Dunkeld in 1585, and an Extraordinary Lord of Session in 1596. Spotiswood's appointment as one of the Judges did not take place at this time; and Rollock was restored in 1610. (Senators of the College of Justice, p. 236.)

1572. The Bishops had made a sute for the kirkmen's place in the Session in the year preceeding, as ye may see in the memorialls concredit to Mr Gavin Hamilton. None of the number were so audacious to break the yce to the rest as Spotswood.

About the end of January 1610, the Scotish Secretarie, Sir Alexander Hay, brought down from Court direction for the habits. Ministers were ordained to wear black cloathes, and in the pulpits black gownes, which was proclaimed in the beginning of February. The forme of the Bishops and Doctors habits, of the Senators and Colledge of Justice, Advocates, Clerks, &c., was prescribed. The Act of Parliament importeth not the imposing of the surplice, or such like sacred vestures.

Upon the 14th of February, the Generall Assembly, which was appointed at Linlithgow to be holden at St Andrews in May, was continued, and no new dyet was appointed, but reserved to his Majestie's further resolution, and full persuasion, that some good may be done and no harm ensue thereupon. The pretended reason, forsooth, was the distraction betwixt the fathers of the Kirk, (so were the Bishops called for their Bishopricks), and some ministers; and yet was there an Assembly holden in June, without any further appearance of agreement betwixt those reverend fathers and other ministers than before.

### THE THIRD STEP: THE POWER OF THE HIGH COMMISSION.

The Commissariats granted to them, *anno* 1609, and other prerogatives above mentioned, granted by that Parliament, may be numbered among the steps and degrees whereby the aspiring Prelates ascended to their grandeur. But because the ministers and people took not great notice of them, I have not numbered them among the steps or degrees of their ascent.

A Commission under the Great Seall was given to the two Archbishops, Gladstones and Spottswood, to hold two Courts of High Commission, which was proclaimed at the Crosse of Edinburgh, about the end of February 1610. By this Commission, one

Archbishop, with any four named in the Commission whom it shall please him to associate to himself, ministers or laymen, as they call them, may cite, at the first instance, any offender to compear before them; may advocate causes from the ordinary judicatories of the Kirk, upon complaint given in by any person, scandalous in life, or erroneous in religion. One Archbishop with four commissaries, or any other four contained in the roll, not bearing any ecclesiasticall function, may judge upon any whom they deem scandalous in doctrine, or erroneous in religion; may compell his minister to excommunicate him; and may suspend, deprive or waird the minister in case he refuse. They may fyne and imprison professors. Sicklike, he who is styled Bishop, associating to himself other four ministers in the roll, may imprison, fyne, suspend, deprive, decerne excommunication, and so are armed with double vengeance.

The King might as well give power to fyve of the meanest ministers in Scotland to fyne, imprison, suspend, deprive, &c., all the ministers and professors within the countrey, whom they shall deem scandalous in life, or erroneous in doctrine or religion; for those who were styled Bishops at this tyme were but simple Ministers, and were styled Bishops only in respect of their benefices. This was farr from their former profession and promises made, that they should have no jurisdiction above their brethren. But they now accept of spirituall and temporall power. By arming themselves with this double power, they become terrible to the ministerie and subjects, and acquyred to themselves, at the nixt Assembly, a greater power over their brethren, but not the office of a Bishop. And suppose they had, yet may not the supreme magistrate give power to kirkmen to imprison, fyne, or yet to suspend and deprive ministers, but only to urge them to exercise the power and jurisdiction that belongeth to them by their office: farr lesse may he give power to a Minister or Bishop, and four Commissioners, or other four laymen, to suspend or deprive ministers, or decerne any offender to be excommunicat. The pretence of this Commission was, the advocation to the Counsell, purchased by such as were scandalous in their life, which is indeed a matter

complained upon in Generall Assemblies. Buf the pretended remedy was worse than the disease; for there needed no farther redresse of such abuses, but to suffer the ordinary judicatories of the Kirk to have free course; and so much the rather, seeing there is appellation from Sessions to Presbyteries, from Presbyteries to Synods, from Synods to the Generall Assemblies. The King promised, in the Assembly holden at Montrose *anno* 1600, that, in tyme coming, no letters should be directed from the Secret Counsell at the instance of any person against any minister in particular, or against any Presbyterie in generall, for whatsomever thing he or they shall do in execution of his or their offices, before the said person produce ane testimoniall, under the forme of an instrument *de denegata justitia* by the minister, or Presbyterie judges ordinary.

In the last Assembly holden at Linlithgow, this overture was agreed upon, That no favour be granted to Papists or traffiquers, by any officer of Estate, without his Majestye's privity, under the pain of incurring his Majestie's high displeasure; as also, that the Counsell make no impediment by their letters of horning. In the thirteenth Parliament, holden 1593, there is an act against the contemners of the sentences and decreets of Generall or Synodall Assemblies, Presbyteries, and Sessions of particular kirks; but here the ministers styled Bishops, with other four in the roll, hath power, not only to advocate causes upon complaint of parties, but also to call before them any whom they hold scandalous or erroneous; to command ministers to excommunicate them, under the pain of suspension, deprivation, or wairding; and to call before them ministers, or professors in schoolles, colledges, or universities, whom they shall understand to have uttered, in publict, any thing against the conclusions of the bypast Generall Assemblies, or in favours of any of these who are banished, wairded, or confyned, and to punish them according to the quality of their offence.

This exorbitant power over the bodies and goods of the subjects, and of the censures of the Kirk granted to these Courts of High Commission, was authorized by the Counsell, and is to this day as-

sisted and fortifyed by the Counsell, howbeit in the Act of Parliament *anno* 1584, [all] are strictly inhibited to acknowledge any judicatory or jurisdiction not approved by the King and the Estates of Parliament. If it were not for fear that the Lords of Counsell wold give out letters to force obedience to their decreets, the Bishops wold be litle regarded for all their Courts of High Commission. It was not, then, [so much] the Court or Courts of High Commission that did bear downe, or still beareth downe the Kirk, as the Counsell, or the chief ringleaders of the Counsell, the Officers of Estate.

## THE FOURTH DEGREE OR STEP: ORDINATION AND JURISDICTION TYED TO THEM.

After that the Bishops became Lords in Parliament, Counsell, Session, Lords of Temporall Lands and Regalities, Patrons of Benefices, Moderators of Presbyteries, Commissioners of the Generall Assembly, Commissioners in the King's Courts of High Commission, and, consequently, great and terrible to the ministerie, and other professors, it was thought fitt and rype tyme to convocat a Generall Assembly. It was convocat in the beginning of June, when the ministers did not expect any such thing; because the Assembly appointed to be holden in May was prorogat by proclamation in February, without appointment of any new dyet. Neither was this Assembly indicted till the time approached very near; for it was their custome to surprise the ministerie, and, as we use to say, to steall a dint. Notwithstanding of their grandeur, and that their chief opposites were either banished, wairded, or confyned within or without the countrey, and removed out of their way, darr they not venture upon a free election of the remanent of the ministerie, but procured missives from the King to the Presbyteries, to make choice of such persons as were given to him in note by them. Missives were directed likewayes from the King to the persons nominated. The King's missives to the Presbyteries were seconded with letters from the Bishops to the Pres-

byteries, assuring themselves they wold not provock the King's Majestie to wrath without necessary occasion.

What greater assurance could the King have, upon the first of Aprile, the date of his missives, that some good course should be taken for redresse of all misorders, and that the division of minds amongst the ministers should cease and be extinguished? Whence come the advertisement of late, of great confusion arising in the Kirk by reason of the loose and unsettled government which was therein, after the Assembly was prorogat in February? It is strange that the Assembly which should have been holden at St Andrews in May, should have been discharged in February without appointing another dyet, and, upon a suddentie, should be appointed to be holden in the beginning of June. The Assembly was only intimat by missives to the ministers, and such barrons as it pleased the King, with advice of the Bishops, to call to that meeting; whereas the intimation should be more publick, because the Generall Assembly ought to consist, not only of ministers, but also of Barrons and Commissioners from burghs, freely chosen, and that appellants, supplicants, and complainers, may addresse themselves to it. What good could be expected of such an Assembly, where the members were chosen by such as aspyred to Episcopall jurisdiction? for the King himself was not acquainted with the names and dispositions of every particular person recommended by him, or in what Presbyterie they had their residence. The King intimateth, that it is his pleasure that the Presbyteries conforme themselves to a note of the names which he had sent to the Bishop, and that they shall do him acceptable service in so doing. Is not this to procure and solicite for Commissioners? yea, in effect, to command; *nam qui rogat potentior, imperat rogando.* The King, in his missive, signified that the Bishop was acquainted with his purpose; and the Bishop himselfe professed that he had credit in these matters, and insinuat that if they choose any other, they would provock his Majesty to wrath. Letters were likewise sent to the particular persons nominate, so that there was no hope that any other ministers wold have place there, neither was it convenient

that honest men should mix with them: yet, such is the servilitie of our ministrie, that they acknowledge such Assemblies in giving obedience to their acts. What good could they expect when Mr John Spotswood, styled Bishop of Glasgow, was chosen Moderator? all that were present voting for him except five, howbeit teaching that day in the morning, he had said, that religion was brought in with confusion, but must be maintained by order.

Mr Peter Primrose, * with other ministers of the West, were mynded to protest for the liberties of the Kirk. He began no sooner to break off, but the new Moderator interrupted him, and referred him to the Privie Conference; because they must go to dinner. Mr Peter and his associates were so wrought upon, partly by threatening, and partly by flatterie, that there was no more dinn of a protestation.

The conclusions agreed upon in the Privie Conference were not proponed or discussed severally in the publick Assembly; so easily did the King and his Bishops attaine to their intent.

To induce the ministers to condemne the Assembly holden at Aberdeen, Mr Spottswood used this reason: "The brethren banished have promised to confesse a fault, if their fact shall be condemned by a Generall Assembly: So that, if we declare the Assembly holden at Aberdeen to be null, they will obtaine liberty to returne to their owne congregations." The name of "Presbyterie" in their conclusions was rejected, as a word which his Majesty could not hear with patience, howbeit it be a Scripture word; and therefore, instead of the word "Presbyterie" was this periphrasis used, according to the meaning of the Assembly, "The ministers of the bounds." But the Bishops covered intention was to interpret that periphrasis to be meant of the ministers within the bounds, where such actions as are specified in the act are to be performed, whether they be of one Presbyterie or of diverse; few or moe as it pleased them to make choise of, the bounds not being determined nor the number defyned; and yet the word "Presbyterie" was heard with patience afterward in the Assembly holden

* Minister of Mauchline, in Ayrshire.

at Aberdeen. But such tricks in their conceit served their turn for the present.

Dumbarr * professed plainly he wold have no man there to give any countenance of disliking.

Some of the votters had no commission from their Presbyteries. Some had limited commissions. Some had commission to protest against whatsomever thing should be concluded prejudiciall to the acts of former Assemblies, as the Commissioner of Haddingtoune, howbeit he discharged not his duty in that point. [There were] a number of ministers brought from Orkney, Caithnesse, Sutherland, by Mr James Law Bishop of Orkney his procurement, who had never seen the face of a Generall Assembly before.

Noblemen, Barrons, Bishops, and others, who had no commission either from Presbyterie or Synod, were present to make all sure by the plurality of vottes if there had been need.

Some acts were made against Papists, and for provision of ministers to unplanted kirks. The meeting was dissolved after the singing of the 133d psalme, and no new Assembly was appointed.

Money was given largely to such as served the King and the Bishops, under pretence of bearing their charges. The constant Moderators got their 100 pounds which was promised at the pretended Assembly holden at Linlithgow, *anno* 1606. To some was promised the augmentation of their stipends. He that voted *non liquet* got nothing, because he had done no service. Mr John Hall, for his service, got a pension.

The heads and articles agreed upon in the third Session for the overthrow of the Discipline here follows :—

### THE HEADS AND ARTICLES CONCERNING THE DISCIPLINE OF THE KIRK IN ALL TIME COMING.

"In the first, it is declared, That the alledged Assembly holden at Aberdeen, is null in itselfe, specially in respect it had not his Majestie's allowance, and was discharged by his Highnesse Com-

* Sir George Home, Earl of Dunbar, *High* Treasurer.

missioner. And because the necessity of the Kirk craveth, that, for order taking with the common enemy, and other affaires of the Kirk, there be yearly Generall Assemblyes, the indiction whereof the Assembly acknowledgeth to appertaine to his Majesty, by the prerogative of his Royall Crowne; the Generall Assembly was to request his Majesty, that a Generall Assembly may be holden once in the year, or at least, in respect of the necessity foresaid, that his Majesty wold appoint a certaine tyme, at the which the same shall be holden precisely, in all tyme coming.

"*Item*, It is thought expedient that the Bishops shall be Moderators in every Diocesian Synod, and the Synod shall be holden twice in the year, of the kirks of every diocie; viz., in Aprile and October; and where the diocies are large, that there be two or three Synods in convenient places, for the ease of the ministerie.

"*Item*, That no sentence of Excommunication or absolution therefrom be pronounced against, or in favours of any person without the knowledge and approbation of the Bishop of the diocie, who must be answerable to his Majesty for all formall and impartiall proceedings therein; and the processe being found formall, the sentence to be pronounced at the direction of the Bishop, by the minister of the paroch where the offender dwelleth, and the process began. And in case the Bishop shall be found to have stayed the pronouncing of the sentence against any person that hath merited the same, and against whom the process hath been lawfully deduced, the same being tryed, and he convicted in the Generall Assembly therefore, that advertisment shall be made to his Majesty, to the effect another may be placed in his roome.

"*Item*, That all Presentations be directed hereafter to the Bishop; and upon any presentation given, or otherwayes suit made by any to be admitted to the ministerie, the Bishop is to requyre the ministers of those bounds where he is to serve, to certifie by their testificate unto him of the partie, suiter, his conversation past, and ability and qualification for the function; and upon the returne of their testificate, the Bishop is to take farder tryall; and, finding him qualified, and being assisted by some such of the ministrie of the

bounds where he is to serve, as he will assume to himselfe, he is then to perfect the whole action of Ordination.

"*Item*, In Deposition of ministers, the Bishop associating to himselfe the ministrie of the bounds where the delinquent served, he is then to take tryall of his fault; and, upon just cause found, to deprive.

"*Item*, That every Minister at his admission shall swear obedience to his Majesty, and Ordinar, according to the formes sett downe in the Conference keept in the year 1571-2, whereof the tenor followeth :—

THE FORME OF THE OATH TO BE GIVEN BY THE PERSON PROVIDED TO ANY BENEFICE WITH CURE, AT THE TYME OF HIS ADMISSION BY THE ORDINAR.

"I, A. B., nominated and admitted to the C. of D., utterly testifie and declare in my conscience, that the right Excellent, right High, and Mighty Prince, James the Sixt, by the grace of God King of Scots, is the only lawfull supreame governour of this realme, as well in things temporall, as in conservation and purgation of religion; and that no forreigne Prince, Prelate, State, nor Potentate, have, or ought to have, any jurisdiction, power, superiority, preheminence or authority ecclesiasticall and spirituall, within this realme. And therefore I utterly renounce and forsake all forreigne jurisdictions, powers, superiorities and authorities; and promise, that from this tyme forth, I shall and will bear faith and true alledgeance to his Highnesse, his heirs and lawfull successors; and to my power, shall assist and defend all jurisdictions, priviledges, preheminences and authorities granted and belonging to his Highnesse, his heirs and successors, or united and annexed to his royall crowne. And farther, I confesse to have and hold the said C., and possession of the same (under God only) of his Majesty and Crowne royall of this realme; and for the said possession, I do homage presently to his Majesty and Highnesse in your presence; and to his Majestie, his heirs and lawfull successors, shall be faithfully true. So help me God.

"*Item*, The Visitation of the diocies is to be done by the Bishop himselfe; and if the bounds shall be greater than he can overtake, he is then to make speciall choice, and to appoint some worthy man to be visitor in his place. And whatsoever minister, without just cause and lawfull excuse made, shall absent himselfe from the Visitation, or the Diocesian Assembly, he shall be suspended from his office and benefice, and, if he amend not, shall be deprived.

"*Item*, Exercise of doctrine is to be continued weekly among the ministers, at the tymes of their accustomed meetings, and to be moderated by the Bishop, if he be present, or then, by any other whom he shall appoint at the tyme of the Synod.

"*Item*, That the Bishops shall be subject in all things concerning their life, conversation, office and benefice, to the censure of the Generall Assembly; and, being found culpable, with his Majestie's advice and consent, to be deprived.

"*Item*, That no Bishop be elected, but who is past the age of forty years compleat, and who hath at the least been an actual and teaching minister by the space of ten years.

"Which whole articles being diverse tymes publickly read in the face of the whole Assembly conveened, after voteing, the same were ratified, approved, and concluded by the whole Assembly, and ordained to be observed in all tyme coming.

"Sess. 5. Forsameikle as in this present Assembly, it is already statute, that the exercises shall be moderate by the Bishops in the meeting of the ministry, if they be present, or then, by any other whom the Bishop shall appoint at the tyme of the Synod; and because the nixt Synod is not to be holden before the moneth of October nixt to come, therefore it is ordained, that, in absence of the Bishops, the constant Moderators shall remaine in their own places, till the nixt Synod be holden in October nixt to come."

There were but fyve of the whole number disassented. Seven answered *non liquet*. The rest consented to these conclusions, whose names deserve to be registrat in a larger History to their eternall infamie.

In these Articles they acknowledged, that the necessity of the

Kirk craved there should be yearly Generall Assemblies, yea, the Bishops assured the ministers there conveened, that the King wold grant them the liberty of the Generall Assemblies every year. And in that they were made liable to the censures of the Generall Assemblies, it appeareth that the power granted in these articles above written falleth, in case we have not ordinar and sett Generall Assemblies to censure them; for it were foolishnesse to make them liable to the censures of Generall Assemblies, if it were uncertain whether they might have Assemblies or not. The Bishops then are but usurpers in whatsomever they claim by virtue of these articles; and ministers are but slaves in acknowledging them for respect to these articles, suppose that Assembly holden had been null of itself; for it is well known we have no ordinary Generall Assemblies to censure them. Howbeit they were made liable to the censure of the Generall Assemblies, yet the ministers there assembled are not to be excused; for what hope could there be of bearing downe their tyrannny in the Generall Assemblies, if Presbyteries and Synods be made obnoxious to them; for if the Presbyteries and Synods be subdued or corrupted by them, the Assembly, consisting of Commissioners from Presbyteries or Synods, must be subdued and corrupted also. Where they acknowledge the indiction of the Assembly to appertaine to the King, by the prerogative of his royall Crowne, (if that clause be not foisted in without their knowledge), they have betrayed one of the chief liberties which Christ hath granted to the Kirk, and was ratified by the lawes of the countrey.

It appeareth that the Bishops Visitation and the holding of the Diocesian Synod are either taken as equivalent and to import that the holding of the Diocesian Synod is nothing else but a visitation of the ministers at the Diocesian Synod, which visitation, Sylvester in his *Summa* calleth the imperfect or not full visitation, distinguishing it from the full visitation, when the Bishop visiteth the particular kirks of the diocie. If they were not taken for one thing, the Bishop might not depute another to moderate the Diocesian Synod, as by these articles he may depute another minister

to visit his diocie. If it be not an Episcopall visitation, why is the pretended Bishop suffered to substitute a vicegerent, seeing that part of the act, which toucheth the moderation of Diocesian Synods, giveth him no power to substitute any but that which a simple Moderator should do? Chooseth not the Bishop his own clerk, without consent of the Synod? continueth the dyet at his own pleasure? summoneth persons to compear in his owne name, and not in name of the Synod? suffereth nothing to come in voting but what he pleaseth, or names to be called for giving of votes, but when he pleaseth? numbereth and pondereth them as he pleaseth? and when he hath ventured a matter upon voting, he will not stand upon plurality of voices? When they have pyped, he will dance as he pleaseth, as Mr James Law, Bishop of Glasgow, said once at a Diocesian Synod.

In one of the Articles, it is ordained, That whatsoever minister, without just cause, shall absent himself from the Visitation or the Diocesian Assembly, shall be suspended from his office and benefice, and, if he amend not, shall be deprived; where ye see, they are joined togither, Visitation and the Diocesian Synod; and no mention is made of visitation in any other article but in this, where the Diocesian Assembly is joined with it. How then can ministers cover their repairing to Diocesian Synods, and bear the world in hand that there is no difference betwixt the Provinciall Synods we had, and the Diocesian Synods we have now, but only that the Bishop is constant Moderator? Episcopall Visitation and a Provinciall Synod or Counsell cannot consist togither in one meeting, and proceed after one manner and forme. If it be a visitation, the Bishop is only judge, and the ministers there conveened subject themselves to his visitation. If it were merely a Counsell, then the Bishop were only President or Moderator; but when ministers shall oppose to the Bishop's substituting whom he pleaseth to moderate, citeing in his owne name and using a negative power, &c., then shall we say, they stand to the nature of a Synod? Farther, Is there no more requyred but to stand to the nature of a Synod? Ought they not to stand to the freedome which the

Synods [were] wont to have? The perpetuity of moderation in the persons of the pretended Bishops beareth downe free reasoning and voting; and because, by a divided consideration, the Bishop is to be considered out of the Synod as a High Commissioner or Visitor to suspend, deprive, waird, fyne any of them, give collation of benefices, &c. The repairing to Diocesian Synods possesses them in the chief place of the Kirk, and installeth them, as it were, in their Episcopall thrones, which, if it were forborne, the world wold see more clearly all their usurpation otherwayes.

The pretended Bishops have no power granted by these Articles to intend or reduce processe against any offender, but only to revise the processe. How can they then alledge, that Presbyteries stand only *precario* and by tollerance? for where shall the processe against any offender be intended or reduced, if not in the Presbyterie?

If the King should be advertised by the Generall Assembly that another may be placed in the roome of the Bishop, staying the pronouncing of the sentence of Excommunication, the processe being lawfully deduced, doth it not presuppose that there must be ane ordinary sett tyme for the Generall Assembly which should try and complaine? doth it not follow, seeing we have not such ordinary Assemblies, that the Presbyteries may use their wonted liberty to the sentence of excommunication or absolution, howbeit the Bishop's approbation cannot be had?

Collation of benefices was not taken from Presbyteries by this act, but afterward by the Parliament.

What if the Bishop judge him not qualifyed whom the Presbyterie hath found qualifyed for the ministry? Shall the judgment of one cross the judgment of many? But let this passe as absurd. Why do not Presbyteries oppose to the entry of ministers admitted without tryall? for by "the ministers of the bounds," who should try the person to be admitted, was meaned "the Presbyterie:" that pretended Assembly forbearing the word "Presbyterie," only because it was offensive to the King, as was alledged, and useing a description in place of it. And sicklike, why do they

acknowledge any for a deposed minister, not deposed with consent of the ministerie of the bounds where he serveth? May not Presbyteries proceed to admission by themselves, or deposition, if the Bishop take any other course than is approved by the acts of this pretended Assembly, or seeing there is no ordinary Generall Assemblies?

It seemeth, that in the article concerning the Oath to be taken at the tyme of the admission, that these words, "and to his Ordinar," seeing it is not declared before, who is the Ordinar; nor the forme of the oath is not sett downe; and it is insert betwixt that part of the act, which concerneth swearing obedience to his Majesty, and the forme of that Oath.

In the article of the exercise of doctrine, the exercise of discipline, for any thing that is found in that article, may be moderat by a Moderator chosen by the Presbyterie.

If the Bishops shall be subject in all things concerning their life, conversation, office and benefice, to the censure of the Generall Assembly, then it is evident, that in the former articles nothing was granted, but upon assurance of sett and frequent Assemblies. Therefore, this failling, it followeth, that not only they have *ipso facto* forfaulted all the power granted to them in the former articles, but also that they remained still subject to the censures of the Presbyteries and Synods, conforme to the Caveats sett downe in former Assemblies, for keeping them from corruption; and that the Bishops usurpation will be no excuse to ministers deserting the cause of God, and all men will think them unworthie of their place, quyting the liberties of the Kirk. But considering the nature of this Assembly, and the reasons above mentioned for the nullity of it, they ought not to have acknowledged it at all.

Generall Assemblies may choose their own Moderator, notwithstanding of any thing that is said in this Act of this Assembly, howsoever the pretended Archbishop usurpeth the place.

Some faithfull and zealous ministers condemned in their sermons publickly, and laid to the charge of the Bishops perjurie and defection. Upon this occasion followed a terrible proclamation for ratifi-

cation of the acts of that Assembly. An ill turne hath need to be weell backed. When God's glory and the weell of the Kirk was chiefly regarded in Assemblies, there was no need of such proclamations to force ministers to obedience, or to suppresse obloquie.

Mr George Gladstones, Bishop of St Andrews, held a Diocesian Synod in St Andrews, in October nixt following [1610] after this Assembly. He sent before his missive to particular ministers, requesting them to concurr to such things as are competent to that judicatorie for their interest, and to abyde such tryall as shall be thought fittest; and, withall, intimateth, that suspension from the ministerie is the penaltie of wilfull absence for the first time. He sat with his green velvet cusheon before him, and Mr John Mitchelson, Clerk, on a stooll besyde him. When he craved a Privie Conference, Mr John Malcolme, Mr William Erskine, Mr John Kinneir, Mr David Mearns, and Mr David Spence, made some opposition, and would understand by what authority the order established in our Kirk, by so many famous Assemblies, was altered, and upon what warrant he was Moderator? When he alledged the act of Glasgow, and it was read, the brethren were much moved. Mr David Spence said, "If I had the value of fourtie shillings to plead for before a judge, will I make that man procurator for me, whom I know perfectly will give my fourtie shillings to my partie? We know that these men who were nominate, for the most part, to that Assembly, were of a contrary mynd and intention, and, therefore, we wold give them no commission from our Presbyterie." Mr William Couper, an unconstant man, and then gapeing for a bishoprick, so minced the matter, as if nothing had been concluded but things indifferent. The Bishop partly threatened, if any repyned at the acts of that Assembly he should be deposed, and farther punished according to his Majestie's pleasure, partly with flattery, promising that nothing should be done but with consent of the whole. There was no farther opposition. When the Conference conveened, the Bishop sent for Mr Robert Howie, alledging that doctors should be joined with pastors in

case any doubt occurred; howbeit, Mr Andrew Melvill was debarred before by an act made by the Commissioners of the Generall Assembly, for fear to be crossed in their courses. When it came to the tryall of the brethren, a whole Presbyterie was not removed, as was the custom before, but five or six brethren. He asked at ten or twelve, and then in generall, if any had ought to object. Thereafter he caused the beddall cry at the kirk door, If there were any man ready to object against the ministers of A, B, C, their life and ministry. So sundry signes of Episcopall Visitation, rather than of a Provinciall Counsell or Synod, appeared to any that were judicious. Upon the Sabbath-day after, while he was reposeing himselfe upon his bed, in tyme of the afternoon's sermon, his sister's son killed his cook with a throw of his dagger, just under the left pape. He was wakened out of his sleep, and the people in the kirk were raised with a cry of blood and murther.

He was to hold his Diocesian Synod of Lothian in Haddingtoun the 1st of November. He requyred the ministers to be present, accompanied with two or three Commissioners from every paroch, and threatened the absents with suspension. Here, again, ye see the signs of Episcopall Visitation. The Presbytery of Haddingtoun thought it meet to declyne him, and resolved upon a supplication, to move him not to urge them with any other discipline or government of the Kirk than they had sworn to and subscribed at the King's command, and command of the Generall Assembly, and practised so many years. Mr James Carmichaell was ordained to present it, and, in case it were not receaved, to utter the substance of it be word. The rest promised to assist. But when the Bishop asked their voices at the choosing of the Clerk; wherein he condescended to them to please them, Mr James discharged not his part. Whereupon other brethren of the Presbyterie were moved to oppose to his sitting. Mr John Kerr began; then Mr James followed with a tedious and unprofitable harangue; but Mr Andrew M'Ghie assisted him. Mr Archibald Oswall followed; but all were referred to a Privie Conference. The three brethren found no assistance as was promised, both by their owne

brethren and the Presbyterie of Dalkeith. But, afternoon, the rest of the brethren accompanied them to the Privie Conference; but they receaved no satisfaction from the Bishop. Yet none of the Presbyterie was called upon that night in any matter that was treated, except Mr James Carmichaell, who did sit, vote and reason. The Bishop was loath to meddle with them, till he was forced, the day following, in a matter concerning the plantation of North Berwick; but some went out before they were called upon. The rest of that Presbyterie wold not vote in that place.

What opposition was made in other Synods I have not enquyred; but this, in generall, I know, that, however there was great murmuring, there was weak resisting; ministers were become so faint-hearted, and carelesse of the liberties of Christ's kingdome; every man careing for himselfe, without regard to his oath and subscription: for they were bound to mantain the established discipline to their uttermost power, and, therefore, guiltie of perjurie as well as the pretended Bishops.

Mr John Spotswood, Bishop of Glasgow, Mr Andrew Lamb, Bishop of Brechin, and Mr Gavin Hamilton, Bishop of Galloway, were consecrate bishops at London in the month of November 1610, by Abbots, Bishop of London. There was no mention made in the Assembly, holden at Glasgow, of the consecration of Bishops; for, howbeit that perfidious pack tyed Presbyteries and Synods to them, in the points and with the limitations expressed, yet meant they not to determine that there was a distinct office of a Bishop in the Word of God different from the office of a minister; yea, the contrary was determined before in our Generall Assemblies: And, therefore, they intended not consecration; for by the Bishop [of] the diocie is not meant in the Act of Glasgow a Bishop by office, but only a simple minister, so styled in regard of the great benefice of the bishoprick, as he was so styled in the two preceeding Assemblies. That some ministers, by divine or apostolick institution, ought to have power over other ministers and their flocks, or to be proper pastors of all the congregations of the diocie, as they arrogate to themselves;—or that ordination of Pres-

byters was tyed to them by divine right, and all jurisdiction in particular kirks did flow from them,—was not the meaning of that Assembly. The power granted to them was only a power committed to them by that Convention, as in former tymes to Commissioners of provinces; which another Assembly may denude them off, without degradation or execration as they call it. Their consecration, then, is of no force, and ought not to be acknowledged. And if consecration had been intended, yet ought they not to have receaved it from a forreigner without consent of that Convention, but should have contented themselves with that forme which was used in the year 1572.

In the month of December these three returned to Scotland, and consecrated Mr George Gladstones, Archbishop of St Andrews. The rest were consecrate upon the 13th of January following, [1611].

The Earle of Dumbarr, a chief instrument imployed for the overthrow of the discipline of our Kirk at Linlithgow and Glasgow, departed this life, at Whitehall, upon the penult of January. Mr Andrew Melvill, when he heard what was concluded at Glasgow, after silence for a space, broke forth in these words: "That man (meaning Dumbar) that hath overthrowne that Kirk and the liberties of Christ's kingdom there, shall never have the grace to sett his foot in that kingdom again."

Huntly and Erroll were sett at liberty not long after the Assembly was past. So it appeared they were committed only to gull that Assembly, as if Bishops were zealous and forward against Papists.

Mr John Stratoun, minister of Forresse, in the North, was cited to compear before Bishop Gladstones, and some of the King's Counsell, for doctrine delivered by him at an exercise against the Estate of Bishops, (the Bishop of Murray being present), and was wairded in the castle of Invernesse.

By this letter following, written by Mr George Gladstones, pretended Bishop of St Andrews, and dated the last of August 1612, the Reader may perceave what preparation was made for the ratifi-

cation of the acts of Glasgow at the nixt Parliament, to the prejudice of a free Parliament :—

"MOST GRACIOUS SOVERAIGNE,

"As it hath pleased your Majestie to direct me and my Lord, your Majestie's Secretary, for advising anent our affairs to be handled in this approaching Parliament, so happily did I find him and my Lord of Glasgow both in this towne, and conveened them both immediately after my arriving; and with good advisment we have made choise of these things which are most necessary, and have omitted these articles which may seeme to carry envy or suspicion, or which your Majesty, by your royall authority, might performe by yourselfe. But we all hold fast this conclusion, That it is most necessary and convenient, both for your Majestie's service and weell of the Church, that the day, viz., the 12th of October, shall hold precisely, to the which the Parliament was proclamed upon the 24th of this instant. I will assure your Majesty, that the very evill will that is carryed to my Lord Chancellor * by the Nobility and people is like to make us great store of friendship; for they know him to be our professed enemy, and he dissembleth it not. I thank God, that it pleased your Majestie to make choice of my Lord Secretary to be our formalist and adviser of our acts. For we find him wise, fast, and secret. We will not be idle in the meantyme to prepare such as have votte to enclyne to the right way. All men do follow us, and hunt for our favour, upon the report of your Majestie's good acceptance of me and the Bishop of Caithnesse, and sending for my Lord of Glasgow, and the procurement of this Parliament without advice of the Chancellor. And if your Majestie will continue these shineing beames and shews of your Majestie's favour, doubtlesse, the very purpose that seemeth most difficult will facilitat, to your Majestie's great honor, and our credit, which, if it were greater than it is, your Majesty wold receave no interest; for besydes that, no estate may say that they

* Alexander Seton, Earl of Dunfermline, was Lord High Chancellor from the year 1605 till his death in 1622.

are your Majestie's creatures as we may say, for there is none whose standing is so slipperie, when your Majesty shall frown, as we; for at your Majestie's nodd we must either stand or fall. But we referr the more ample declaration of these purposes and other points of your Majestie's service, to the sufficiencie of my Lord Glasgow, and my good Lord Secretarie,* the fourteenth Bishop of this kingdome. But my Lord of Glasgow and I are contending to which of the two provinces he shall appertaine. Your Majestie, who is our great Archbishop, must decyde it. Thus, after my most humble and hearty thanks for your Majestie's good acceptance, and gracious dispatch lately, which hath filled the ears of all this kingdome, I beseech God to heap upon your Majesty the plenty of all spirituall and temporall blessings for ever. I rest.

"Your Majestie's most humble subject and servitor,

"ST ANDREWS."

Edinburgh, last of August 1612.

At the Parliament holden in October 1612, the act of the pretended Assembly at Glasgow was ratified, or rather perverted, under colour of explanation by additions, omissions and alterations: so that in effect it was a new act different from the Act of Glasgow, as may appear by collation. But this is not the first tyme the Parliament hath wronged our Kirk by their acts. The Bishops consented to these omissions and additions, without advise and consent of the Generall Assembly, whereunto they were tyed by the Caveats, and, therefore, bewrayed not only their perfidie, but also their insatiable desyre of absolute jurisdiction and exemption from all censures; for they cancelled such clauses as made them lyable to the censure of the Generall Assembly, or tyed them to the Presbyteries in the deposition of ministers and their tryall be-

* Sir Thomas Hamilton, afterwards Earl of Haddington, and Lord President of the Court of Session, was appointed Clerk Register in 1612, but previously to July that year he exchanged the office with Sir Alexander Hay of Newton, when he became Secretary for Scotland.

fore admission. The omissions, additions, and alterations of the act the reader shall find after, in the Grievances presented by the ministers, *anno* 1633.

Mr William Cowper succeeded in the Bishoprick of Galloway to Mr Gavin Hamilton in the year following [1613], but made his residence in the Cannongate, that he might be near the Chappell Royall, where he preached as Dean, neglecting his diocie, where he ought to have preached as Bishop, if the office of a Diocesian Bishop had been lawfull. None was more forward in the purer tymes against the Estate of Bishops, but none more frank, when he declyned, to defend the corruptions of the tyme. But he was vexed with answers, replyes, and rejoinders,* that in the end, the conference of a good Christian woman killed him.

A charge was proclamed for the celebration of the Communion upon Easter Day, the year 1614 and 1615. The most part obeyed, howbeit there were acts of the Generall Assembly standing against it.

Mr John Spotswood was translated from the See of Glasgow to the See of St Andrews. He was no sooner installed, but within three days after, that is, upon the 8th of August, Mr John Malcolme, minister at Perth, a godly, grave and learned man, being cited, compeared before him and the rest of the Bishops who were present. They found fault with his Epistle Dedicatorie prefixed to his Commentarie upon the Acts: First, Because he requested the King to recall the banished ministers, alledging they were more faithfull subjects to his Majesty than those who had receaved great benefices at his hands: Nixt, That he regrated the corruption brought in into our Kirk by unlearned and unsanctified men. He explained his meaning, and subscribed it, at their desyre, for his Majestie's satisfaction.

In the beginning of September Mr James Law, Bishop of Orkney, was inaugurat Bishop of Glasgow. Mr George Grahame,

* This evidently refers to his controversy with David Hume of Godscroft. See Calderwood's History, vol. vii. p. 180, &c.; and Row's History, p. 257. Cowper died at Edinburgh in 1619, (ib. p. 259.)

Bishop of Dumblane, succeeded to him in the Bishoprick of Orkney. Mr Adam Bannantyne succeeded to Mr George Grahame in the Bishoprick of Dumblane. He was a vehement opposit to the state of Bishops till of late. He had said before that Mr George Grahame, the undought of Bishops, had gotten the Bishoprick of Dumblane, the excrement of Bishopricks; but he is not ashamed to lick up his excrements, and to accept that mean Bishoprick to patch up that broken lairdship of Kinnocher, [Kinneuchar.]

In December 1615, the Courts of the High Commission were united in one, the Archbishop of St Andrews and Glasgow, or any one of them, being one of the number of five, at the least, &c. Seeing the Court of High Commission was the strongest hold the Bishops had, they thought good to make it stronger by uniting the two Courts in one, at the renewing of the Commission occasioned by the death of the last Archbishop. In this they maintain their usurped authority; overrule ecclesiasticall judicatories; put in execution the acts of pretended Assemblies, overruled by themselves; knowing very weell that they wold not find concurrence in Presbyteries or Synods, the ordinary judicatories of the Kirk, to suspend or deprive ministers for not conformitie and obedience to those acts. So the acts of unlawfull Assemblies are violently obtruded upon the Kirk by a judicatory, which is not a Kirk judicatory, nor yet approved by the lawes of the countrey; and the Bishops overrule the Kirk by a power never committed to them by the Kirk.

Here it is to be observed, that at this tyme Mr John Spotswood and Mr James Law, both sometyme ministers in one Presbyterie, and at the point of suspension, in the purer tymes, for the profanation of the Sabbath, are now the only two Archbishops of Scotland, and have power to suspend, deprive, fyne, imprison any minister in Scotland. Two pretty foot-ball men, as Mr Davidsone called them, had now, as we may say, the ball at their foot.

## THE PRETENDED BISHOPS THEIR GOVERNEMENT, AND THE EFFECTS OF IT.

The pretended Bishops were somewhat moderate and calme at Synods and Presbyteries till the Act of Glasgow [1610] was ratified in Parliament [1612]; but after the ratification of the act, with the power of the High Commission, and pretended Episcopall authority, they tyrannize. Before, ministers were troubled by the King and Counsell, at their instigation, or by themselves, under pretence of a commission from the Generall Assembly; but now they exerce both a borrowed power from the King, and a power proper to themselves, as they alledge, by reason of their Episcopall office, wherunto they were consecrat, but without consent of our Kirk. Now beginneth alterations in the worship of God; and changes are intended in divine service, and the Confession of Faith.

Much bussinesse there was about the excommunication and absolving the Marquesse of Huntly. He was urged by the High Commission to subscribe the Confession of Faith upon the 12th of June 1616, but he refused to give any kind of satisfaction; wherupon he was committed to waird in the Castle of Edinburgh, but was set at liberty in two or three dayes after, by a warrant from the King to come to Court; but before Mr Spotswood had advertised him of his refusall, as was alledged.

Upon the 8th of July, it was reported that he was absolved, and receaved in the bosome of the Kirk of England. Our Bishops seemed to storme, alledging that the Bishops in England were usurping their old pretended power. All this bussinesse about Huntly, and two or three Papists in the North, was made for a pretended necessity of a Generall Assembly in the North, where the Bishops were sure to procure the consent of many ministers to their devices, and to have the fewer opposits out of the South, and the heart of the country. They give out the increase of Poperie was like to produce dangerous effects to the estate both of Kirk and Countrey, and especially in the North. Therefore, upon the

22d of July, the Generall Assembly was indicted, by publick proclamation at the Cross of Edinburgh, to be holden at Aberdeen, and to begin the 13th of August. The Bishops directed their missives to the Presbyteries, wherein they willed them to send their Moderators, with other Commissioners, and to furnish them with expenses, under the pain of the losse of their Assignations the year following. They excused themselves for the sudden premonition, alledging, they could give no intimation till they had receaved a warrand from his Majesty; as if they had been altogither ignorant of the matters to be treated, and had not been acquainted with the appointment before; but now, forsooth, there is a fyre broken up suddenly in the North, which wold set all the kirks on fyre if remedy were not provided in tyme: therefore there must be running post haste to the North to extinguish that fyre.

The Assembly began upon the 13th of August [1616]. Spotswood stepped into the Moderator's place without election, against the practice and acts of our Kirk, not yet repealled by act of any pretended, let be, lawfull Assembly. Commissions were not considered whether free or limited. A number of lords and barrons satt there with their silks and satins, but had no lawfull commission to vote. Bishops had no commissions from Presbyteries, as they ought to have had, according to the Caveats and to the practice of our Kirk. The Moderators of Presbyteries had no better warrant than the Bishops direction. The Assembly holden at Linlithgow the year 1606 was not a lawful General Assembly; their Act was forged, and concerned only constant Moderators: but the Moderators at this tyme are the Bishops substitutes, and of another stamp. But what freedome can there be either in this or any other Assembly following after the Assembly holden last at Glasgow, and authorising the Bishops with the power of the High Commission, where such men moderat, vote, direct? who dare oppose? This is the ruine of our Kirk, that ministers resort to their Assemblies and do not protest for the right constitution and freedome of the Assembly, but joine with them where they cannot but be overthrowne with plurality of votes.

Much tyme was spent in preaching, renewing old acts and making some new [ones] against Papists, (as if no acts had been made against Papists before, or execut but without successe), that ministers, specially such as came from the South, being wearied, might withdraw themselves before the chiefe matters chiefly aimed at were treated. Many good acts were made indeed, against Papists, but were never ratified in Parliament, far lesse put in execution. But, by the way, the authority of the High Commission was acknowledged indirectly in the acts made against Papists. [John Gordon of] Buckie presented a supplication in the fourth Session, in name of the Earle of Huntly. The answer was referred to his owne presence. The Bishop of Canterbury his excuse for absolving him was read. Mr Alexander Forbesse, Bishop of Caithnesse, for making Canterberry believe that it wold be acceptable service to the Kirk of Scotland, was threatened with deposition. But he was preferred, not long after, before all other competitors, to the Bishoprick of Aberdeen.

In the mean tyme, upon the 16th of August, were produced certain instructions directed from the King, anent the devising of a remedy for the defection and falling away of many from the truth. The instructions were advised upon, and after, [it was] statute and ordained upon the 17th of August, That provision be made for learned, wise and peaceable men, in vaiking places of the chief Burrows and towns; that care be had of transplanting of the most learned and most discreet Ministers, and placeing them where noblemen, especially such as are inclyned to Poperie, make residence; that Bishops in their visitation of kirks, either by themselves, or, where they cannot overtake the businesse, the minister of the paroch, make all young children of six years of age, be presented before them, to give the confession of their faith, that so it may appear in what religion they have been trained up. Spotswood added in the margine, "and that they be recommended to God by solemne prayer at the tyme, for the increase of their knowledge and continuance of his grace with them." No mention here

of the imposition of hands; but who could hinder the Bishop to impose hands, when he recommended them to God? Farther, it was statut, That after that tryall, the ministers of the parish, every two or three years, once at the least, examine them, that, after sufficient growth in knowledge, they may be admitted to the holy Communion. They ordained Mr Patrick Galloway, Mr John Hall and Mr John Adamson, then minister at Libertoun, to form a Catechisme, and to have it in readinesse before the 1st of October, to the effect the same may be allowed and printed with the King's licence; and that none other be used in families for the instruction of children and servants, who must give account thereof in their examination before the Communion. Farther, it was also ordained, That an uniforme order of Liturgie or divine service be sett downe to be read in all kirks on the ordinary days of prayer. Mr Patrick Galloway, Mr Peter Hewat, Mr John Adamson and Mr William Arskine, to this intent, were appointed to revise the Book of Common Prayers contained in the Psalm Books, and to sett downe a common forme of ordinary Service to be used at all tymes hereafter, which shall be used in time of common prayers in all kirks, where there is exercise of common prayers, as likewise by the minister (where there is no reader) before sermon. Mr James Law, Bishop of Glasgow, and Mr William Struthers, minister of Edinburgh, two learned clerks, forsooth, for such a purpose, were appointed to put in forme the Ecclesiasticall Canons drawne forth of the Books of the former Assemblies; and where the same is defective, supplie it by Canons of Counsells and Ecclesiasticall Conventions in former tymes. It was statut, That the Confession of Faith presented to this Assembly, (penned, as we heard, by Mr John Hall and Mr John Adamson), be receaved universally throughout the whole kingdome: To the which all hereafter shall be bound to swear and set their hands, especially such as bear office in the Church at their acceptation of the office, and likewise, students in schools and colledges. It was ordained, That the Communion be celebrated four tymes in the year in burrow townes, and twice in landwart, so that the tyme of Easter be one of the tymes. It was

ordained, That baptisme shall not be denyed to any infant, when either of the parents, or any faithfull Christian in place of the parent, shall require the same; and that the same be granted any tyme of day, without respect or delay in regard of the hour of preaching. *Item*, It was ordained, That every minister have a perfect and formall register of baptismes, marriages and burialls, &c.

Four dayes were spent upon articles made against Papists, howbeit they might have been concluded in one hour; but these acts were all ended in one Session. A number of the ministerie, foreseeing what was to be proponed, and finding the Assembly made for the purpose, withdrew themselves. Others, in the mean tyme, abode. There rest nothing then to the pretended Moderator, but to ask at those who were present, "What say ye, my Lord?—what say ye, Laird?—what say ye, Mr Doctor?" It was answered, "Weell, my Lord." If any man pressed to speak unasked, the Bishop wagged his finger, and that meant silence. The crowes were not more affrayed of a scarr crow, than slavish ministers were of the wagging of the Bishop's finger. The ministers rounded in other's eares, "How can we either vote or speak freely, having the King's guard standing behind our backs?"

The Bishops of St Andrews, Glasgow, Dunkelden, Murray, Rosse, Galloway, Brechin, Orkney, Caithnesse, Dumblane, Argyle, Isles, Patrick Forbesse of Corse, George Douglas, minister at Cullen, Mr John Reid, minister at Loggie-Buchan, Mr George Hay, minister at Turreff, Doctor Hendry Phillip, minister at Arbroth, Mr David Lindsay, minister at Dundee, Mr William Scott, minister at Couper, Doctor Robert Howie, Rector of St Andrews, Mr John Mitchelson, minister at Bruntiland, Mr Patrick Galloway, Mr John Hall, Mr William Struthers, ministers of Edinburgh, Mr Edward Hepburne, minister at Haugh, Doctor John Abernethie, minister at Jedburgh, Mr Robert Scott, minister at Glasgow, Mr William Birnie, minister at Air, Mr William Arskeen, minister at Dinninno, or the most part of them, had full power and commission to conveen at Edinburgh the 1st day of December nixt to come, to take order with the dilapidators of benefices. The most part of

them had power likewise to take order anent the planting of sufficient and qualified ministers at the kirks of burrow-towns presently vacant; and likewise to receave from the Bishop of Glasgow, and Mr William Struthers, the Cannons of Church Discipline, committed to their charge, to revise the same, allow and disallow thereof, and direct a supplication to his Majestie, that it would please his Highnesse to ratify and approve the same, and to approve the printing thereof by his royall authority. Bishop Spottswood addeth in his scrolls these words following:—

"*Item*, Power to receave the Books of Liturgie or Divine Service, and the samen being allowed, to cause publish the same in print, and the Catechisme, allow or disallow thereof, as they shall think expedient; and the same being allowed, to cause publish the same in print for the Service within the kirks of all the kingdomes. As also to revise the Confession of Faith presented to this Assembly, and, after mature deliberation, to take order that the same may be published; and in all these things to do as they will be answerable to God, the Kings Majesty, and the Church."

The Confession of Faith seemeth to be devised of purpose to thrust out the former Confession, subscribed and sworne by persons of all Estates, and binding them to maintaine the established Discipline, and to detest and renounce all traditions, and ceremonies devised by Antichrist for wanting the warrant of the Word. The Book of the Cannons we doubt was ever perfected by those to whom it was committed, or yet the revising of the Book of our Common Prayers, and setting down a common forme of ordinarie Service; neither yet have we heard that those Commissioners ever mett for the revising of their travells.

The Marquesse of Huntly was reserved for a flourish till the end of the Assembly, and absolved in the last Session after he had subscribed the new Confession of Faith.

After the dissolving of this Assembly, Mr William Struthers, who went to Aberdeen without commission from the Presbyterie of Edinburgh, fell out in his sermon, in Edinburgh, in a great commendation of the proceedings of that Assembly, and affirmed that

all things were done with so great wisdome, gravity and godlinesse that they left a notable testimony of their upright dealling to the posterity. He was then a pensioner, that is, a souldier waidged to maintaine the present course.

For decoreing the Royall Chappell of the Palace of Halyrudhouse before the King's coming downe, place was prepared for the organs and quiresters, the statues of the twelve Apostles and four Evangelists curiously wroght in timber, which were to be gilded and set up. But the people murmuring, the Bishops, Mr Patrick Galloway and Mr John Hall, disswaded the King from setting up the images. A discharge was returned from the King, but with a sharpe rebuke and check of ignorance from the King and Bishop of Canterburrie.

Some Noblemen, Counsellors and Bishops communicated kneelling in the Royall Chappell in the month of June, [1617] not regarding either Christ's institution or the order of our Kirk, but only forward to please the King. This was the first tyme since the Reformation that the singing of quiristers and the playing of organs was heard in the Royall Chappell. These dumb doggs, the ministers of Edinburgh, were silent, neither disswading the King in private, nor opening their mouth in publick.

In the tyme of Parliament there past an article amongst the Lords of the Articles, to wit, That Bishops should be elected by the Chapters, which is contrary to the acts of Generall Assemblies; the Bishops themselves consenting if not devising that article. The two Archbishops protested before a number of ministers conveened in the Little Kirk, that no alteration was intended. And yet not only the former article was concluded amongst the Lords of the Articles, but also the day following another was agreed upon, which was like to cutt the cords of the remanent liberties of the Kirk; to wit, That his Majesty, with advise of the Archbishops, Bishops, and such a competent number of the Ministerie as his Majesty, out of his wisdome, shall think expedient, shall, in all tyme coming, have *full power to advise and conclude matters decent for the external policie of the Kirk*,

not repugnant to the Word of God; and that such conclusions shall have the strength and power of Ecclesiasticall Lawes. This was to make of no availl our Generall Assemblies, and to give way to the King and the Bishops to bring in Chancellors, Deans, Officials, surplices, coapes, capps, kneelling, holy dayes, crosse in baptisme or whatsomever other ceremonies, Romish or Anglicall, which they should deeme not repugnant to the Word of God.

The Bishops assured the ministers that nothing should be agreed upon or consented unto by them in matters concerning the Church, the discipline and order thereof, without their speciall knowledge and advice; and affirmed, that neither they nor the ministers there assembled had power to consent to the smallest change of the order of our Kirk already established, unlesse the speciall advice and determination of the Generall Assembly, representing the body of the Kirk of this kingdome, were had thereunto.

Many of the ministers, being perswaded with these speeches, went out of the towne resting upon their word. Others, remaining after they understood that such an article was agreed upon amongst the Lords of the Articles, and to passe in a law, resolved upon a protestation against it in open Parliament. The ministers of Edinburgh seemed as forward as any of the whole number. Mr Patrick Galloway said often he wold subscribe it with his blood, yet refused to subscribe it with pen and ink, lest the King should have seen his name after the presenting of it. It was therefore advised, that Mr Archibald Simpson should subscribe as Scribe in name of the rest, and that the rest set downe their names in a roll for a warrant, whereof he should have a custody. Mr Peter Hewat was appointed to present it, because he had place in Parliament as Abbot of Corsraguell. The King was made acquainted with their proceedings by Mr Patrick Galloway, as we were informed; and, therefore, Mr Peter Hewat was challenged when he came downe to the Palace. Some brethren, having heard of that which was fallen forth, appointed Mr Archibald Simpson to present another coppie, in caise Mr Peter had failed, or been

impeded to discharge his commission. When the Lords conveened in the Parliament House, Mr Archibald presented his coppie to the Clerk of Register to be read before the Estates; but he refused. The King, after some conference with the Bishops, entered, and sat downe in his throne. When this article was to be read, he declared he wold passe from it, because it bindeth him to take advice: he wold do in that matter as he thought good, according to his royall prerogative. Among other reasons they used, they remembered the King, that diverse tymes he had sufficiently secured them from all suspicion of innovation, especially by a proclamation upon the 26th of September 1605, when rumors of intended conformity with the Kirk of England were spread abroad; by which proclamation, the hearts of all honest men settled themselves in confidence that no such thing should be attempted: and again, by his Majesty's letter sent downe the last winter, to take away all fear of any alteration which might arise upon his intended journey; intimation whereof was made in the pulpits by his Majesties speciall will, and direction of chief counsellors.

## THE NAMES OF THOSE WHO SUBSCRIBED THE ROLL, JUNE 27, 1617.

Messrs Patrick Galloway, John Hall, Andrew Ramsay, William Struthers, Robert Scot, John Balfour, Robert Colvine, Thomas Sydserf, Hendry Blyth, George Grier, John Aird, James Burnet, Archibald Simpson, William Black, Simon Johnstoun, William Arthur, William Weemes, George Dumbarr, John Scrimgeor, James Ingles, William Knox, John Smith, Michael Wallace, Patrick Shaw, John Alexander, Robert Murray, Charles Lumsdane, Patrick Hamilton, David Calderwood, John Ker, Walter Whitfoord, John Chalmers, James Porteous, Luke Sonsie, James Lamb, William Guild, William Douglas, John Merser, George Chalmers, James Robertson, Henry Livingstoun, John Cheisly, Francis Collace, William Justice, John Weems, Alexander For-

rest, William Jameson, Alexander Keith, Andrew Balfour, Robert Rough, Robert Herries, Theodor Hay, Adam Simpson, James French, William Scot, a minister in the West.

Mr Archibald Simpson, minister of Dalkeith, was committed to waird in the Castle of Edinburgh, for not exhibiting the roll of the names. He had given the roll to Mr Patrick Henderson, reader of the Great Kirk of Edinburgh, who delivered it to Mr David Calderwood, minister at Crailling. Mr Peter Hewat, who should have presented the protestation, Mr Archibald Simpson, who was Scribe to the meeting, and Mr David Calderwood, who had the roll of the names of the subscribers, were summoned to compear before the High Commission, which was to be holden at Saint Andrews the 8th of July, but was continued till the 12th of July, at which tyme [the King] himselfe was to be present in person. Mr Peter Hewat was deprived and confyned in Dundee. It was alledged, that his voice could not serve him to teach any longer, and, therefore, [he] was content to be removed from the ministerie with honesty, and to live upon the Abbacie whereunto he was provided, where he maketh his residence for the present. Mr Archibald Simpson was confyned in Aberdeen, where he remained till the Earle of Morton obtained his liberty. Mr David Calderwood answered, that he had rendered the names of the rolls to Mr Archibald Simpson. As for the other point of the libell, The assisting of that mutinous meeting, he answered, That when that meeting shall be condemned as mutinous, he shall answer for his particular assistance. When he could not be induced to acknowledge a fault in subscribing the Protestation, they passed from the libell; and the King urged him with a conformity and obedience to the acts of Assembly, especially to acknowledge his Ordinar the Bishop of Glasgow, and to repair to his Diocesian Synod. He alledged, he was not bound to answer farther than to the points of the lybell; yet being urged by the King to answer, he refused to promise conformity. Whereupon he was removed, called in again, and suspended till October nixt to come; and the Bishop of Glasgow was enjoined

to deprive him, in caise he repaired not to the Synod at that tyme. He alledged, that the King in the publick disputations the day preceeding had disclaimed the power of deprivation *primario*, and consequently of suspension. The King alledged, The Bishops, Fathers of the Kirk and Ecclesiasticall persons, had given out the sentence. Then turning him to Spotswood and the rest of his fellows he used this dilemma:—"The power ye have, ye have it either of his Majesty or from the Kirk. Ye have it not from his Majesty; for his Majesty cannot communicate to you the power that he clameth not to himselfe: *nemo potest transferre in alium plus juris quam quod in se habet.* All the power which ye can pretend to have from the Kirk, is grounded upon the Act of Glasgow, which granted only that every Bishop in severall, associating to himselfe some of the ministers of the bounds where the delinquent serveth, may suspend or depose. That cannot be done in this Court; therefore I cannot acknowledge your sentence." Often did the King urge him to acquiesce, and demand, as is alledged, If he wold desist for a certain tyme, in case he should command him by his royall authority, as from himselfe. He being disturbed by confused speaking and rude behaviour of those that stood by, and supposing that the King was still urgeing obedience to the sentence, he answered as before. Whereupon he was removed, called in again, and the sentence of deprivation was pronounced: whereunto he wold have answered again, as he did before when the sentence of suspension was pronounced; but he was commanded to closse waird in the Tolbooth of St Andrews, whence he was transported to Edinburgh, where he was detained till he found caution acted in the Books of Secret Counsell for his departure out of the countrey, conforme to the ordinance of the Counsell given thereanent, subscribed by St Andrews and Binning. His cause was never heard before the Counsell, and yet the Counsell fortifyeth the sentence of the High Commission.

That same night the sentence was pronounced against these three ministers above named, Mr John Hall, Mr Patrick Galloway, Mr William Struthers, and Mr Andrew Ramsay, minister of Edin-

burgh, howbeit they had exhorted the other three to stand to the protestation, acknowledged upon their knees, that if they had known his Majesty wold have taken offence at them for their conveening and subscribing the Protestation, they wold not have done it; and so got a kisse of the King's hand.

The day following, that is, the Lord's day, the 13th of July, the Bishops to please the King, (who made him believe he had no more ado when he came in the countrey, but to give his presence), presented to the ministers of sundry Synods, conveened afternoon, the Five Articles which were after concluded at Perth. The Ministers wold not meddle, but referred to the Generall Assembly.

When Spotswood came from Court, after the King's departure out of the countrey, he reported that the King wold have a Generall Assembly, and the Five Articles reasoned and concluded; but wold not appoint tyme nor place till the Commissioners were first chosen: a preposterous order, but agreeable to the corrupt course which the Bishops had in hand, that is, [that] the Assembly should not be indicted till they were first acquainted with the names of the Commissioners, and not then, if they find them not plyable to their purpose. Nay, farther, the Commissioners must be chosen in their presence, and where they had authority. They had their Diocesian Synods, for the most part, in October, where, themselves being present, the Commissioners were chosen for the Generall Assembly, which was not then indicted, but to be indicted. When some were nominate by the Synod of Fife, holden at St Andrews the 5th of October, the Bishops wold not admitt the nomination of some of them. Upon the 4th of November the Assembly was indicted, by sound of trumpet, at the croce of Edinburgh, to be holden at St Andrews the 25th of that instant month 1617. This intimation was not tymous nor sufficient. Sundrie diocies were absent, and that through default of tymous warning. This is another exception against this Assembly; for all that have interest ought to be timously warned beforehand.

The first day of their meeting, Spotswood, in his exhortation, enveighed bitterly against many worthy men of the ministery

who then were resting from their labours, and affirmed that some of them were worthy to be hanged. He called Mr Andrew Melvill a seditious fyrie man,—so bold and impudent was the man, who, in former tymes, durst scarce open his mouth in his presence; but necessity lay upon him to be thus shamelesse; for the King was made privie of late to a leud prank played by him, and he thought such invectives wold be acceptable service. The King and Bishops purpose was notwithstanding withstood. The Bishops therefore desyred something might be devised for the King's satisfaction. Mr Patrick Galloway and some others were appointed for this purpose. They devised, that if there be any sick person within their paroch, visited with long sicknesse, and unable to repair to the kirk to receave the Communion, the pastor shall not refuse to administrate the Communion in his house, providing there be six persons, at the least, of good religion and conversation, present, to receave with him; and not till he hath declared, upon his conscience, that he thinketh his sicknesse to be deadly, and forewarneth his minister twenty-four hours before. Nixt, That the minister, in the celebration of the Communion, give the elements out of his owne hand to every communicant, saying, when he giveth the bread, "Take, eat, this is the bodie of the Lord Jesus Christ, which was broken for you, do this in remembrance of him;" and exhorting him to be thankfull. And when he giveth the cup, saying, "This is the blood of Jesus Christ shed for you, do this in remembrance of him;" and exhorting him likewise to be thankfull.

It seemeth there was not full agreement, but that all the Articles were referred to the nixt Asssembly, in respect, a great number of Commissioners from Synods, Presbyteries, burroughs, and gentlemen, were absent by reason of the season of the year, distance of place, and shortnesse of advertisment; neither ought any of their resolutions to have been acknowledged for the same respects, and other exceptions above mentioned. Whereas they thought to have surprised the ministers with short advertisement, it turned to their disadvantage.

Immediately after the dissolving of this meeting, Mr Andrew Ramsay, one of the ministers of Edinburgh, declaimed publickly against the intended novations, but, not long after, became a defender of them.

The Commissioners appointed by the Parliament to see to the plantation of kirks and modification of ministers stipends, satt till Christmasse. The Bishops tainted many ministers with the hope of augmentation of their stipends.

Bishop Spotswood preached in the Great Kirk of Edinburgh upon the 25th of December, and laboured to prove the observation of festivall dayes to be lawfull. Bishop Cowper taught in the Chappell Royall, where there was playing upon organs. So the Bishops practised novations before they were approved by the Generall Assembly.

Sundry brutes* went in the month of January 1618, that the King was highly incensed at the Bishops, because the Five Articles were not receaved, and at the ministerie for driving tyme; that he wold let the Kirk of Scotland know what it is to have to do with an old King, or to abuse his lenitie; that there was a warrant sent downe from the King to discharge Presbyteries and Sessions of particular kirks, as mutinous conventions. After the spreading of these brutes for preparing the way, Spotswood convocated the Bishops and Ministers, who were for the present in Edinburgh, upon the 26th of January. The King's letter was read, wherein he manifested his will and pleasure, that they should conveen, and approve the Five Articles; and, if any refused their consent, that the Bishops suspend him. But how is it likely that the King could know whether any countrey ministers were to be in Edinburgh at that tyme? Belike the Bishops had blanks to fill up as occasion requyred, and, at this tyme, to make use of one after the spreading of former brutes, hoping to get some advantage by sudden frayes.

Upon the 28th of January, universall cessation and abstinence, upon the five Holy Dayes, was enjoined by proclamation, to the

* Or *bruits*, reports.

effect, the subjects may the better attend the holy exercises which his Majesty, with advice of the Kirk, wold appoint to be keept at these tymes in the Kirk. All manner of husbandrie and handy labors were discharged, with certification, that the contraveeners shall be punished with all rigour, as disobedient and rebellious persons, contemners of his Majestie's authority. Here ye see the observation of holy dayes was enjoined, notwithstanding no Generall Assembly had yet consented, and Acts of Parliament were standing in the contrair yet unrepealled.

Patrick Forbesse, laird of Corse, in a letter sent to Bishop Spotswood, and dated the 16th of February 1618, conveyed his answer concerning his acceptation of the Bishoprick of Aberdeen, after such a forme that the Bishops might easily know he wold accept the Bishoprick *nolens volens;* nay farther, he insinuated, that his acceptation would grace the office. He pretended that he was loath to be an urger of the ceremonies upon others; yet none was so ready at Perth to consent to the Five Articles,—none so vehement afterward for the practice of them as himselfe. He pretended he wold not enter but upon such and such conditions; yet he entered by the election of a Chapter, and without swearing to the Caveats as others had done before him. It is well knowne that he undertook not the ministerie till Bishopricks were in dealling, and that he could find no better mean to repair his decaying estate.

A charge for observation of Holy Dayes was again published, and within thrie or four dayes after, that is, upon the third of Aprile, the Magistrates of Edinburgh sent the officers through the town to observe there was no work nor trading, because, as they alledged, the King had sent a letter to Provost and Bailies to observe Good Fryday. No respect was had to the Acts of Parliaments or Assemblies. Bishop Couper taught in the Royall Chappell.

Upon Easter-day the Communion was celebrate by sundry Bishops in their Cathedrall Kirks with kneelling, and in the Royall Chappell by Bishop Couper, and again in the Royall Chappell upon Whitsunday. So the Bishops practised the ceremonies as occasion

offered, before the Generall Assembly had determined upon an answer to the King.

The Commissioners appointed by the last Parliament to modifie and augment ministers stipends, united sometymes two, sometymes three kirks in one. The Bishops consented to those unions to currie the favour of noblemen or for gain. Ministers were furthered or hindered as they liked or misliked the Five Articles.

## THE FYVE ARTICLES.

When the Bishops had prepared persons at the Platt or at Synods, or upon other occasions, then they thought it high tyme to have ane Assembly for concluding the Five Articles. Rumours were spread, that we should never have the liberty of a Generall Assembly again; yet upon the 3d of August [1618], an Assembly was indicted by public proclamation to be holden at Perth the 25th day of the same moneth, which was but a short advertisement.

Spottiswood in his sermon protested, in the presence of God, that the Five Articles were sent to him to be insert among the Canons of the Church, which were then ingathering; that he humbly excused himself, that he could not insert that which was not first advised by the Church; that he heard nothing of them afterward, till the King, taking advantage of their misbehaviour who penned the protestation, and proudly stood to the same, resolved to have these Articles admitted; that he laboured they might be referred to an Assembly, which was obtained upon promise that his Majestie should receave satisfaction. He alledged, that the promise was not made by him alone, but was ratifyed by others also of that number who were at the Assembly holden at St Andrews; that he, with the rest of my Lords the Bishops, excused the delay made at that tyme, but the letter was hardly accepted and another returned full of anger and indignation; that he travelled at the ministers earnest solicitation, to divert the troubles, which, before that tyme, they wold most certainly have felt. But who can believe his protestations and alledgeances? Suppose they were

not the first devisers, yet they offered their assistance and best endeavours. What he and his fellows, and others, their adherents, promised at St Andrews, is not to be imputed to the rest. The Articles were motioned before the Protestation was formed, as may appear by the contents of the forementioned Protestation itselfe. But it was his craft to mention that Protestation, and the King's irritation, that the ministers present might be terrified from protestations. How could any of the ministers be troubled for any of the Five Articles not yet concluded, but acts and laws standing in the contrair; and, consequently, how could he avert such troubles, for such a cause? But any fiction was alledged that might terrify for the tyme.

Noblemen, Barrons, Burgesses, Bishops and Doctors sat at a long table upon forms; but ministers were left to stand behind, as if their place and part had been only to behold. The Bishops carry some majesty on their part to dash simple ministers. Spottswood placed himselfe in the Moderator's chair without election. When Mr George Grier, minister at Haddingtoun, desired that the order of free election might be observed, he answered saucily, The Assembly was conveened within the bounds of his charge, wherein, so long as he served, he trusted no man wold take his place. A new Clerk was chosen without formall election or votting. Ministers were warned to give in their commissions before the sitting downe of the Assembly in the afternoon. So it was not knowne who had lawfull commission, who not, till the votting of the Five Articles in the end of the Assembly. When it was asked, Whether all noblemen and barrons and ministers there present should have power to vote, the usurping Moderator, Spottswood, answered, "No ministers that wanted commission; but voice could not be denyed to noblemen and barrons who were come upon his Majesty's missives." But the first part of his answer was not observed, and the second was false. Fearing to be troubled with moe questions, he enjoined silence, and requyred the King's letter to be read. Doctor Young, Dean of Wincester, presented the letter. It was twice read in open audience, to make a more forcible impression of terror. The letter

was expostulatorie, wherein he remembers how he had been provoked in former tymes, and wisheth to be no farther provoked. After the reading of this letter, the Bishop alledged, That he was perswaded his Majestie wold be more glade of the consent of this Assembly to these Five Articles, than of all the gold of India; but in caise of their refusall, he assured them, the whole estate and order of our Kirk wold be overthrowne. Some ministers wold be banished, others deprived; all wold be brought under the wrath of authority. He adviseth them rather to consent in tyme, nor afterward to begg favour by offering conformity as others have done. To this effect he alledged, that Mr John Sharp, one of the ministers banished for the disordered conventicle holden at Aberdeen, as he called it, had written to him the night before, to intercede with the King for liberty to him to return to his owne native countrey, and had offered to submitt himselfe to all good order in tyme coming. But the letter was neither read nor seen. His aversnesse to conformitie is known to the whole country since his returne. "O," said the Bishop, "I know when some of you are banished and others deprived, ye will blame us, and call us persecutors; but we will lay all the burthen upon the King, and if ye call him a persecutor, all the world will stand up against you." Then Doctor Young followed, and laid out all the taunts and reproaches breathed out at Court against the proceedings of the last meeting holden at Saint Andrews, as if their taunts and reproaches were much to be regarded; his Majestie's high displeasure kindled by occasion thereof, like a flame of fyre, ready to consume all, except it were quenched at that Assembly, by consenting to the Five Articles; but these last words, "like a flame of fyre, ready to consume all except it were quenched at that Assembly, by consenting to the Five Articles," are omitted in his printed discourse. But it is sufficient against the freedome of the Assembly, that he alledgeth the sorrows of his heart have been enlarged, since the last Assembly holden at St Andrews, to hear such words of indignation and just displeasure, so often to proceed out of the mouth of so good and gracious a Prince, like

Moses, the meekest man upon the face of the earth. *Sed verendum etiam atque etiam, quo exeat patientia tam sæpe læsa.*

The ministers, defenders of the established order, perceaving the drift of these speeches and discourses, requyred four things: 1. That none be admitted to vote, but such as were authorized by lawfull commission. Spottswood answered, His Majesty had written to some noblemen and barrons to be present: if any man had any exception against them he should be heard. It was replyed, That they wold not except against their honorable persons, but only craved the order of the Kirk might be observed, whereby it is provided, that none have place to vote in General Assemblies without commission. 2. That the liberty of the Kirk be not violat in the election of a Moderator. Spottswood answered, That the Assembly was convocat within the bounds of his Diocie: He wold understand who wold take the place over his head. 3. That the Articles proponed in short and generall summs might be putt in forme, and amplie extended, as his Majesty wold have them to be enacted, that they might be the better advised upon and considered. He answered, "Let alone those toyes: trouble us not with these needlesse questions; we shall speak of these things in the Privie Conference." 4. That some of either opinion may be set apart to collect and putt in order the reasons of either syde, for the more sure and easy information of the Assembly. This motion was also rejected.

The pretended Moderator proceeded at his owne pleasure, without advice or information of Commissioners from Synods or Presbyteries, to the nomination of those that were to meet in the Privie Conference. Some few of the sounder sort were taken in, to try the force of their arguments or answers, before they be proponed in publick. The King's letter was read again in the Privie Conference, which Spottswood seconded with many terrors. He alledged, that four of the Articles were concluded already, in the Assemblies holden last at Aberdeen and St Andrews, howbeit not in forme as his Majesty requyred; that his Highnesse altogither refused the cautions and conditions added as frustrations of

his intentions: that his Majesty was still offended at the Assembly holden at St Andrews. Of those two Assemblyes and their proceedings, we have treated sufficiently already. He wold have Kneelling put to voteing without reasoning, for removing the offence his Majesty conceaved. After much dealling, reasoning was granted. The ministers standing for the established order craved again that the Articles might be put in perfect forme; that the reasons of moment might be proponed in writ, and some of either syde appointed to put them in due forme. But the pretended Moderator, notwithstanding of the reference of those conditions to the Privie Conference, rejected them. They desyred the other partie wold prove them necessary and expedient for our Kirk, or otherwise improve the former order already established. But he alledged, they must either prove the Articles to be impious and unlawfull, or else they must prove disobedient to his Majesty. Notwithstanding of whatsover could be alledged, they were forced to object against the said Articles.

Some few reasons were proponed that night, but were cutt off by cavilling and quarrelling at men's persons, rather than solidly answered. The day following, in the morning, much tyme was spent with the Bishop's discourses; and after, some few arguments were proponed and answered as before, by the other partie. The pretended Moderator was instant to have the matter put to voteing. The ministers alledged, that the proper use of the Conference was, to prepare and put in order matters that were to be treated in the publict Assembly,—for that should be prejudiciall to the publict voteing; and therefore requyred, That the voteing and farder reasoning might be reserved to the full Assembly. The pretended Moderator replyed, That it was the custome of the Lords of the Articles in Parliament, to proceed after that manner; that he wold not spare to committ twentie prejudices to pleasure the King; that the voteing in Conference was only by way of advice, and not to determine; yet how difficill is it to make men vote in publick, contrair to their advice in private, and before the same persons. As for the order observed in the

Parliament, it is no rule for Assemblies to imitate in their proceedings. All upon the Conference votted to the change of the gesture of sitting in the act of receaving the sacramentall elements, into the gesture of kneelling, except ten or eleven. Mr William Couper, Bishop of Galloway, in his sermon upon the 27th of August, sett at nought the ancient order of the Kirk, sometymes highly commended by himself; and, extolling his owne new light, presumed to catechize those who might have catechized him.

The last Session, which was only the second, was holden after dinner. The King's Commissioners, the Secretarie, Lord Scoone and Carnegie, and the Bishops—masters and rulers of the Assembly—assured the Ministers, that out of that house they should not go till his Majesty were satisfied. The pretended Moderator assured them, his Majesty behoved to be satisfied; that his Highnesse wold accept of no other answer but yeelding; urged voting without further delay; insulted upon them. "I know well enough, (said he), there is none of you that will suffer so much as the losse of your stipends for the matter; that none that voteth in the contrair mindeth to suffer: Some pretend conscience and fear, more to offend the people than the King; but all *that* will not do the turn. Think not but when the act is made I will get obedience." Yet a little before, he had said, that although the act were made, his Majestie wold be merciful in urgeing obedience; and that they knew himselfe to be more favourable to the brethren than any Bishop in England. He took it upon his conscience, that there was neither lasse nor lad, rich nor poor, in Scotland, (some few precise persons excepted), who wished not the order of Kneelling to be receaved. Whereas it was alledged in a pamphlet, that the Bishops were bringing in Papistrie, and good professors wold fight in defence of their owne religion, he answered, That the ceremonies made not separation betwixt us and the Roman Kirk, but their idolatrie, which, if the Romanists wold forsake, they wold meet them midway, and joine with them. As if some professors had been disposed to fight, he disswaded them to lean to them, and wished if such things should happen, it wold please his Majesty to make

him a Captaine, and was assured that none of those braggers wold come to the field.

After these blasts, the Ministers were instant to have the Articles reasoned upon in full Assembly, for information of all those who had place to vote. After much dealling some shew of liberty was granted; but the proponers were quickly cutt off and soundly rebuked, rather borne downe with authority than satisfied with reason. Secretarie Hamilton, and the pretended Moderator enjoined them strictly, either to propone a new argument, or else to hold their peace, when as the argument had either not been proponed before in the Conference, or not answered, or the reply was interrupted, and all was new to the full Assembly. Many ministers had not so much as accesse to hear, or propone; for they had not seats provided for them, and gentlemen thronged in before them. The defenders of the Articles were suffered to discourse as long as they pleased, to gybe, mock, cavill; so light account made they of the fearfull rent which might ensue, that their behaviour was offensive to the beholders. When it was alledged, out of Zanchius, that even things indifferent abused to idolatrie, should be altogither removed, the usurping Moderator opponed the judgment of the King of Great Britain to his judgment, or of any other of the learned. In a word, he professed plainly, that neither their reasons nor their number should carry away the matter: these Articles must be concluded, and shall be concluded, although there were none but the eleven Bishops, (no more were present), with the authority of his Majestie's Commissioners to impose them. Their best defence was taken from the authority of the King's sword, which was of greater weight than his Majestie's judgment. It was alledged, he wold ranverse all, except we yeeld. Some of them confessed, that if his Majesty could have been dissuaded, they would have reasoned against the introducing of these Articles into our Kirk. Doctor Lindsay, being posed in conscience, confessed that they had neither scripture, reason, nor antiquity for Kneelling: but to avert the King's wrath, thought it best to yeeld. But in his defence of the Proceedings of this Assembly, he hath

wrested his owne words to another sense. There was much confusion because of haste; for the King's chief Commissioner, Secretar Hamilton, and the Bishops resolved to conclude, and end in this Session. The ministers, not being suffered to reason and prosecute their arguments, and fearing prejudice in voting, gave in some Articles in writ to be considered, and professed they were ready to present in writ reasons against every one of the Articles. They suspected the presenter, Mr John Scrimgeor, minister of Kinghorn, was to present a protestation against the proceedings of the Assembly, and, therefore, commanded them to subscribe these Articles; but when he was perceaved to seek a pen to subscribe, the pretended Moderator receaved them out of his hands. Two of them only were read, but no wayes respected, and the rest were suppressed. The ministers requested voting might be suspended, till their reasons were sent to the King's Majestie in writ, and answer returned; but their request was despised.

Before the roll was called, the King's letter was read againe in open audience of the Assembly, no doubt to leave the last impression. The ministers, defenders of the established order, requyred again, that none might have place to vote, but such as was authorized with lawfull commission. The pretended Moderator answered, If all Scotland were present there they should vote. The pretended Moderator certified those that were present, that whosoever voted against the Articles, his name should be marked, and sent up to his Majesty. He took the catalogue of the names from the Clerk, and called first on the King's Commissioners and their Assessors; then the Noblemen, Bishops, and Barrons; then the Doctors and Ministers; and last of all the Burgesses. The Doctors and Ministers names were called upon without order; for he called first on those of whose consent he was assured, without respect to the order of Province or Presbyterie. The Articles were not put to voting severally, but thus: "Will you accept, or refuse the Five Articles?" Or sometymes thus: "Will ye consent to these Articles, or disobey the King?" In calling of the names, he willed them often to have the King in their mind; to remember the King.

He assured them, that he that denyed one of the Articles should be reputed to deny all. In the end, the Five Articles were concluded by plurality of votes. The King's Commissioners, and their Assessors, all the Noblemen except Ochiltrie, and all the Barrons except Wauchtoun, who was not present in that Session, all the Doctors except Doctor Strang, all the burgesses and a number of ministers, votted for the Articles. Forty-five ministers voted *negative;* some few, *non liquet.* Doctor Lindsay affirmeth, that forty-one of the ministers voted *negative.* Some voted wanting commission; others whom they feared were pretermitted.

The nullity of this Assembly may be inferred upon these reasons :—First, Commissioners of some Presbyteries were absent by reason of untymous premonition: four Diocies were absent, Orkney, Caithnesse, Argyle, and the Isles. Second, Spottswood usurped the Moderator's place without election, which was against the order established in our Kirk, and practise, even when we had Superintendents and Bishops; against the Cautions agreed upon at Montrose, and the Cautions agreed upon at their owne Convention, holden at Linlithgow 1606; neither was this order repealled at the Assembly holden at Glasgow, nor any mention made there but of moderation of Synods and Presbyteries. Third, Many votted wanting commissions. Bishops ought not to have voted unlesse they had had commissions from some Presbyterie, as was agreed upon in the Cautions at Montrose. No Barron ought to have vote, according to the act made at Dundee in the year 1598, but one out of the bounds of one Presbyterie, and having commission. No moe Commissioners from burghs, except Edinburgh, should be admitted but one, according to the said act, nor moe ministers than thrie out of a Presbyterie; yet here moe were admitted, yea six or seven out of one Presbyterie, as, for example, out of Auchterarder Presbyterie,* by the Bishop of Dumblane, Mr Adam Bellenden, his convoy. Some Moderators of Presbyteries voted without commission

* Mr Andrew Allan and Mr James Burdoun were only chosen Commissioners for the Presbytery of Auchterarder; yet Mr Adam Bannatyne or Ballenden, Bishop of Dumblane, added seven or eight to them. Calderwood's History, vol. vii. p. 333.

from their Presbyteries, under colour of a forged clause foisted into an act of a pretended Assembly, holden at Linlithgow in the year 1606, and against the order established in Aprile 1582, when it was thought expedient, that Presbyteries should not be astricted to direct their Moderators in commission to the Generall Assemblies. Farther, It is true the Moderators of the Presbyteries were then of another stamp; viz. the Bishops substitutes according to the act of Glasgow; at which tyme the constant Moderators were continued only to the nixt Diocesian Synod, where the Bishops were to appoint their substitutes; and by the Assembly holden at Linlithgow 1608, they were continued only for an interim to the nixt Assembly, which was that holden at Glasgow. But suppose they were the same, and of the same sort, yet what have we to do to acknowledge either Linlithgow or Glasgow Assemblies? It appeareth, then, that if none had voted except such as had commission, the sincerer sort had prevailled, and, consequently, we may inferr, that the Assembly of Perth, consisting of lawfull members, rejected the Five Articles. Fourth, Those that voted *affirmative*, having commission, either had their commission procured, or were the King's pensioners, or looked for some benefice, or were won with the promise of augmentation of their stipends, or had subscribed some articles in privat, or were circumveened with promises made to them, that they should not be urged with the practice, if they wold only consent to please the King. Some confessed they assented not *simpliciter*, but to avert the wrath of authority. Some were threatened by their owne Diocesian Bishop in private with deposition, namely by Bishop Cowper. Some were twice called upon, after the interjection of other names, as though they had not answered the first tyme, and so votted twice. Many had voted already for the Articles in Private Conference. Necessity of yeelding was enforced upon no lesse danger than the wrath of authority, imprisonment, exile, utter subversion of the estate and order of this Kirk. Such as had courage to speak were checked, rebuked, interrupted, threatened. Yea, it was plainly professed, that neither reasoning nor the number should carry the matter away; so, sup-

pose such as had commission had prevailled in number, their affirmative votes should not be regarded. Fifth, Notwithstanding that it was craved that the Articles might be put in vote severally, because some, perhaps, might vote for one, who might have voted against the rest, yet were all the Five offered, or rather obtruded to voting at once. He that denyed one was to be repute as if he had denyed all. Sixth, The Bishops, and some others, had practised before in the King's Chappell, and, therefor, ought to be secluded from voting, suppose there had been no other exception against them.

Seeing we have here made mention of some Articles presented to Ministers to be subscribed at their entry, I have here subjoined the Articles wherewith a brother * was urged at his entrie.

"I, A. B., now to be admitted to the ministrie of C., faithfully promise, and solemnly swear, by thir presents, to observe and fulfill the Articles and Conditions following: they are to say,

"1. That I shall be leill and true to my most gracious soveraigne the King's Majestie, and his successors, and, to my power, shall mantaine his Highnesse right and prerogative in causes ecclesiasticall.

"2. That I shall be obedient to my Ordinar, the . . . . and to all superiors in the Church, speak of them reverentlie, and in all private and publict prayers, commend them and their estates to God's mercifull protection.

"3. That I shall in all places, by conference, and where I shall have occasion in publick preaching, mantaine the present government of the Kirk, and jurisdiction Episcopall; and shall, by reading, be carefull to informe myselfe, to the end I may stand for the same against all adversaries opposit to the same.

"4. That I shall be diligent, to my power, in the duties of my calling, be resident with my flock, and not divert therefrom without the licence of my Ordinar.

"5. That I shall study to advance the state of the Kirk in gene-

* Mr Alexander Martin.

rall, and, particularly, the estate of the Kirk of C., whereunto I am to be receaved, in all profits and commodities I can.

" 6. That I shall live a peaceable minister in the Kirk, subjecting myself to the orders that therein are, or, by the consent of the said Church, shall be (*lawfully*) established; and by all means that I can use, procure others, to the due reverence of the same.

" Which things if I contraveen, (as God forbid), I am content, upon tryall and cognition taken by my said Ordinar, without all reclamation or gainsaying, to be deprived of my ministerie, and to be reput and holden a perjured and infamous person for ever.

" Subscribed with my hand, at," &c.

The word *lawfully* in the sixth Article was not insert in the principall which was to be subscribed, as that brother assured me. There is no law, civill or ecclesiasticall, ordaining any such Articles to be subscribed at their entry, either to their offices or benefices. But after this Assembly, Conformity to the Acts of Perth was comprehended in the Articles which ministers were urged to subscribe. The Bishops formed the Articles which were to be subscribed diversely, as it pleased them to deall hardly or more favourably with the intrants; but none were devised whereby they were not entangled one way or another.

Upon the 20th of October the Acts of Perth Assembly were ratified; and the ratification was proclamed at the mercat croce of Edinburgh: An act for commemoration of Christ's birth, passion, resurrection, ascension, and sending down of the Holy Ghost, upon the dayes appointed for that use: An Act anent the administration of baptisme in private houses, when necessity shall requyr: An Act anent the catechizing of young children of eight years of age, and presenting them to the Bishop to lay hands on them, and to blesse them with prayer, for the increase of their knowledge, and in continuance of God's heavenly graces with them: An Act anent the administration and giving the holy Communion in private houses to sick and infirme persons: An Act that the blessed Sacrament of the holy Communion of the body and blood of Christ be celebrate to the people, humbly and reverently kneelling on their knees.

These are the words of the proclamation; but the Reader may see the Acts sett downe in ample forme in their ratification at the Parliament holden *anno* 1621. Farther, An Act of restraint of Simonaicall pactions in the entry of ministers, ordaining that every minister shall, before his admission and collation by the Ordinar, swear the oath contained in the said Act. But the power of collation was not granted to the pretended Bishops by the Act of Glasgow; an Act giving Commission to certain persons therein mentioned to revise the labour of those to whom commission was given in the Assembly of Aberdeen for revising the Book of Common Prayers, and collecting the cannons of Church discipline; and as they find the same worthie to be allowed, to take order for approbation and publishing thereof. But, so farr as I understand, there passed only a ratification of the Catechisme allowed in Aberdeen. The King and the Lords of the Secret Counsell ratified, allowed, approved and confirmed the acts above mentioned, in all and sundry points, clauses, heads, articles and conditions, and ordained the same to have the strength and force of lawes in all tyme coming: And, in speciall, that there be a cessation and abstinence from all labour and handie-work upon the fyve dayes above mentioned, which are appointed to be dedicated to God's service, to the effect that the subjects may the better attend upon the holy exercises which are to be keept in all kirks at these tymes.

After this Assembly, the Bishops urged ministers with obedience to the Acts of Perth Assembly, especially to the Acts of the observation of holy dayes, and kneelling at the receaving the sacramentall elements of the supper. But the greatest part of the ministery wold not acknowledge Perth Assembly to be lawfull, nor give obedience to these Acts. The ministers of Edinburgh, especially Mr Patrick Galloway and Mr William Struthers, enveighed against the people for the rarity of their hearers upon Christmasse day 1618; and as great heat arose betwixt them and the Session of their kirk, when they urged the elders and deacons to serve at the tables, when the Communion was to be celebrate at Easter 1619, they delated their flock to the King, whereupon the King

sent a sharp rebuke to the Magistrates and Counsell of the towne. In their letter they did what they could to incense the King, and let him understand that he had as great advantage against the Towne of Edinburgh as he had the 17th of December. But when they were challenged, they denyed stiffely that they had sent any hard information to the King. But in July 1619, the controversie was taken up between them and the Magistrates, by the pretended Bishop of St Andrews, and the President, Secretarie Hamilton,* at the Kirk's direction. To allure many to come to the Kirk, they offered them libertie to sit, stand or kneell, as they pleased; but few were then moved with the offer; howbeit, by processe of tyme, many have been drawn to communicate with them. Cold and gracelesse were their Communions; few were the communicants, but rare was the number of kneellers. And since the first breaking off, the number of communicants hath increased, to the great grief of the better sort. But the number of kneellers have decreased; neither are the communicants like to be urged with kneelling, till a greater number of communicants be drawne in.

It is lamentable to see that holy action so profaned, where the former order of administration was changed; the distractions betwixt the ministers and the people, kneellers and sitters, communicants, and such as wold. not communicat, (not without great reason), with the kneelling communicants.

Mr John Hall craved to be dismissed with the King's favour, pretending his age and infirmity of body, but in truth to live at ease and lazily upon the pension he had of the King, for his good service in former tymes. So he left his ministrie in Edinburgh without the people's consent, and when there was no sensible decay perceived in his gifts.

Mr Richard Dickson was cited to compear before the High Commission in March 1619, to answer for not celebrating the Communion conforme to the Act of Perth, condemning in speciall the act of kneelling, and inhibiting the people to kneell. Without any

* Sir Thomas Hamilton (then Lord Binning) had been appointed President of the Court of Session in June 1616.

long processe he was deprived, and ordained to enter his person in waird in Dumbarton, where he was detained some years, but was never suffered to return to his own flock.

Mr Thomas Hogg, minister at Dysert, was summoned to compear before the High Commission, the 13th of Aprile 1619, for impugning, in his course of exercise, the Five Articles concluded at Perth. He refused to answer to that judicatorie for his doctrine. Bishop Spottswood willed him to advise, whether he wold conforme to the Articles; but he answered, He was resolved. He was called again before them upon the 22d of Aprile. The Bishop laid to his charge sundry speeches he had uttered against the Estate of Bishops. After he had answered, the Bishop offered to provide him to the first vacant place in his diocie, because he was meanly provided in Dysert, if he wold not meddle with their Estate hereafter. But he refused the offer or to make any such bargain. Bishop Law was appointed to conferr with him. When he had said that they must answer before the Judge of Heaven, who had a higher commission, Bishop Law answered, "It is lang to that day, and ye must suffer in the mean tyme." After he was called in again, they suspended him from his ministrie, ordained him to go to Orkney within the space of fortie days, to be confyned there during the King's pleasure and will. He appealed to the judgment of a lawful General Assembly, by reason the particulars upon which they grounded their sentence were not libelled in the summons, but only alleged by St Andrews. Sundry speeches past betwixt him and sundry of the Bishops, which I am forced to pretermitt in this abridgment. St Andrews caused summons him to compear before the nixt Diocesian Synod, to hear and see himself deprived for obstinat rejecting the Articles of Perth. But he compeared not, understanding that the Bishop proceeded in the Diocesian Synod as he pleased. Thereupon he was deprived.

Mr Andrew Duncan, minister at Carraill, one of the six ministers condemned at Linlithgow and banished, but suffered, upon earnest entreaty, to returne, was cited likewise to compear before the High Commission. He declined at the first diet, and stood

to his declinature at the second diet. The High Commission proceeded to sentence of deprivation, and ordained him to enter in waird at Dundee. After the sentence was pronounced he gave in this admonition following :—

"Now, seeing I have done nothing in this bussinesse whereof I have been accused by you, but have been serving Christ Jesus, my Master, in rebuking vice in simplicity and uprightnesse of heart, I protest (seeing ye have done me this wrong), for a remedy at God the righteous Judge his hands, to whom vengeance belongeth, and who will repay and summonds you before his dreadfull judgment-seat, to be censured and punished for such unrighteous deall-ing at such time as his Majesty shall think expedient; and in the mean tyme declyne this your judgment *simpliciter* now as of befor, and appeall to the ordinary Generall Assembly of the Kirk, for the reasons before produced in write. Pitie yourselves, for the Lord's sake; lose not your own dear souls; lose them not, I beseech you, for Esau's pottage. Remember Balaam who was cast away by the deceit of the wages of unrighteousness; and forget not how miserably Judas lost himself for ever, for a triffle of money that never did him good. Fye on back and belly that destroyeth the soul! Better be pyned to dead for hunger than for a little peltrie of the earth to perish for ever, and never be recovered so long as the days of heaven shall last, and the years of eternitie shall endure. Should ye be the burriers of your brethren, the sons and servants of the Christ Jesus? This doing is not the doing of the shepherds of the flock of Christ Jesus. If ye will not regard your soul nor conscience, look, I beseech you, to your fame. Why will ye be miserable both in this life and in the life to come?"

The pretended Bishop called a number of ministers to a meeting in St Andrews, upon the 23d of November 1619, without the King's knowledge, as they alledged; but the King, being certified of their intention, had sent the Lord Scoone to be present, and, with him, his letter for declaration of his pleasure. They were drawn only to a meeting or conference; but, by their expectation,

Scoone was sent to threaten them, and to present the King's rigorous letter. Spotswood professed, that, for his particular, he could be contented that the Kirk of Scotland wanted those things. "But seeing," saith he, "his Majesty doth urge them, and that, without his displeasure, he could not tolerate your refusall any longer, the things themselves being indifferent, and now established by an act of the Kirk, ye must not think that we mean to suffer in this cause with you, although ye should incur great troubles hereafter; for I will preferr unity in the Kirk before your children, wives and estates; and what his Majestie's expresse command is, ye shall hear by his owne letter." The King's letter to the Bishops was read, commanding them, as they wold be answerable to him, to depose all those that refuse to conforme, without respect of persons, no wayes regarding the multitude of the rebellious; for if there be not a sufficient number to fill their places, he would send them ministers out of England. Spottiswood craved the advice of the Bishops and some others. Mr John Carmichaell, giving his advice, answered, That suppose the things urged were indifferent, yet it hath been the judgment of famous divines, that those who agree in the foundation, should bear one with another in things indifferent. He remembered to this purpose, the speech of Hermannus to Cassander: "*Et tunc audeas eos in exilium ire jubere, propter rituum et consuetudinum diversitatem, qui una vobiscum in praecipuis Christianae religionis capitibus consentiunt?*" And Wachan, [Vaughan,] Bishop of London, his words to himselfe: "If I were charged, upon an oath," saith he, "I would take mine oath, that the Kirk of England might weell want these ceremonies; and that, seeing we hold them indifferent, and our brethren hold them unlawfull, we are bound to bear with them." He alledged, likewise, that diverse brethren in England have been tolerat to their dyeing day, though different in practice.

Seven were appointed for either syde to conferr the day following. They began with cursorie velitations; whereupon Mr John Carmichaell desyred, if they would have matters fully reasoned, that they might agree upon some solid course. His desyre was,

that they might reason by writ. This was refused, and the act of the Assembly was still urged. He answered, "I pray you presse us no more with that act; if ye presse us, ye will provoke us to utter that which will discontent you. First, The Bishop of Aberdeen had confessed, that if the brethren had been faithfully dealt with, they had not won so many to their side." Nixt, He alledged the promise made by Spottiswood at Perth, that it should not be a snare to the Kirk afterward; and that, therefore, he desyred the brethren only to give way for the present, for the King's satisfaction. 3. He alledged the act was not conceaved in the terms of law, "We ordaine;" but only in these words, "It seemeth meet or convenient;" and that one of the Bishops came to some of them standing togither, and said, "See how we have sett downe this act of geniculation in words, which may give the King contentment, yet such as may not enforce a law to be a snare unto the brethren." Farther, he assured the Bishops, if they straitened them with an act, they wold make known to the world how that act was drawn on, upon what promises and conditions it was conveyed, and after what manner it was enacted. And whereas they call these things indifferent, he hoped, by the grace of God, to make manifest to the world, both by word and write, that these things were not indifferent, but simply unlawfull. Bishop Law replyed, to the manner of enacting, that they did imitate therein the Apostles decree. Mr John rejoined, That the Apostles words were not only, That it seemeth meet to the Kirk, but also to the Holy Ghost; and therefore their decree did bind *jure divino*. But when ordinary office-bearers meeting in an Assembly say, "It seemeth good unto them," it is but their particular judgment, and bindeth not obedience to the act, which was urged by Scoon. A new meeting was appointed; but the ministers compeared not.

A number of Ministers were summoned to compear before the High Commission, upon the 26th of January and 21st of February 1620, and were urged to conforme at the nixt Easter, and celebrate the Communion according to the act of Perth, with certification of deprivation; but they celebrated, notwithstanding,

according to the laudable forme established and receaved by our Kirk.

Mr John Scrimgeor, minister at Kinghorn, was cited to compear before the High Commission, which was to sitt upon the 1st of March in Edinburgh. When he compeared, he was urged to conforme to the Act of Perth in the ministration of the Sacraments and observation of holy dayes. Some velitation between him and some of the Bishops passed upon these two points, and upon the resort of people out of other paroches to his Communion. He was removed and called in again. Spottiswood intimate to him, that he was deprived of all function within the Kirk, and was ordained, within six dayes, to enter Dundee, to be confyned there. He [Scrimgeour] challenged them for their suddentie, before they had heard what he had to say, and desyred to be farther heard. He called to remembrance his advice he gave at a Synod in Dysert, where sundry of the Lords of the Counsell, and Mr James Nicolson, were present, What was the meetest way to pacifie the troubles of the Kirk, to procure honour and soundest contentment to his Majesty: which was, to regard ministers as his naturall and loyall subjects, giving them the common benefit of the law of the land; to deall with them by reason, and not to force them to any point *brevi manu;* for they are men of judgment, and so esteemed in the countrey; brought up at the schooles; could reason, and give an account of their doings; but to force them with violence of horning, wairding, depriving, what honor to the King, or credit to them? for in all their sufferings they wold be the more confident: that the Lords present, and Mr James promised it should be so in tyme coming: that Mr James was of that same judgment with himselfe, concerning the English conformity, the King's supremacie, and the Episcopacie. He referred to witnesses, what was his judgment before his death, and his grief for that which he saw then approaching. He putt the Bishops there present in remembrance, how, at the Assembly holden at Dundee, and after at Montrose, it was pretended a benefit to the Kirk, to have some men of wisdome endued with competent rents knowne to his

Majestie, and so, having accesse to deall with him for the comfort and benefit of the brethren; for planting of kirks, providing of benefices, &c.: How, notwithstanding, some brethren suspected and feared this Episcopacie and English conformity; with what protestations and oaths such intentions were denyed; and these brethren blamed, and hardly used for giving wairning. "How wisely they suspected," [he said] "and what was meant, indeed, is now manifest. Suppose, I pray you, it had been said to you then, 'Sirs, the tyme will come ye will sitt as great Lords, clothed with strange authority, call and conveen, judge and condemne your faithfull brethren, cast them out of their ministery, and expose them to the uttermost contempt of the world, for not kneelling at the Communion, for not keeping Yuille;' what wold ye have answered? Remember, likewise, under what blame ye bring this Kirk, even to be repulsed by all the Kirks in Europe, for inconstancie and falling from our profession. We were in a most happie unity till ye separated yourselves from us; and yet ye will justify yourselves and your proceedings against us, condemne us as seditious, disobedient, disloyall, proud, foolish, such as stand for trifles with so gracious a Prince, that please and follow the foolish multitude, seeking praise to ourselves. We cannot be silent, being so hardly used, both by word and by deed. We are forced to plead against you, and to proclaime to the world, that some of our number, baited with the honor and profit of the world, ambitious men, worldlings, men-pleasers, have start from us, and execute all violence and iniquity against us." "Ye sett out pamphlets against us," said Spottiswood, "and darr not avouch them." "That is because of your violence," said Mr John, "otherwise we may avouch them before the whole world. I appeall you before the Lord Jesus, as ye shall answer to him in the day of visitation, if you hope to have comfort for that ye have cast out Mr John Scrimgeor and others, out of the Lord's vineyaird, as idle and evill workmen, and if then, the favour of men may ease you." "That will not do your turn nor help you," said Spottiswood. Cowper, Bishop of Galloway, said to him, "Ye are willfull, and will keep a

schisme in the kirk." He answered, "Ye do wrong to alledge so; ye shall not be able to acquyt yourselves of schisme; we walked all soundly in the truth; ye have leapt from us; ye make a schisme." "I grant we were weell," said Spottiswood, "if it had pleased the King, who must be obeyed; and when it shall please his Majesty, I shall returne to my former course." He answered, "He is wise that is well, and can hold himself so; if we were weell before, the change must be evill. I have had some tyme and place to conferre with his Majesty anent the interest of the matters of God, and professed that Christ was the Sovereigne, and only director of his house: And I could, (I may say truely), have climmed up to these preferements. I request you to be more favourable interpreters of his Majesty's mind towards us, your brethren, than thus to expose us to contempt, and other inconveniences." "I tell you," said Mr Spottiswood, "the King is Pope now, and so shall be." "That is an evil stile ye give him," said Mr John.

Then he gave in the reasons following, to stay the sentence:—

"1. The reason of the censure being taken from Perth Assembly, put the case, it were lawful, yet the Act of geniculation was *in forma consilii et non præcepti. Traditio Ecclesiastica, sub forma consilii, et non præcepti, libera esse dicitur.*

"2. It was plainly protested, that what was consented unto was only done to give his Majesty satisfaction, and not to snare any brethren.

"3. The reason alledged for geniculation was the pretence of prayer, yet it is left free to stand or sitt at prayer: *Ergo*, Much more should the other be free.

"4. The Assembly setteth down no expresse forme of ministration of the Lord's Supper, or observation of holy days, at least, no warrand for any forme practised where alteration hath taken place. Neither is there any warrantable forme directed or approven by the Kirk, besydes that which is extant in print before the Psalme Book; according to which, as I have always done, so now, I minister that sacrament.

" 5. The said Assembly, having only and properly power, to appoint convenient censures against the contraveeners of their owne acts and constitutions, have left the same free of all sanction or pain, generall, or particular. Likeas, many of the affirmative votters have solemnly declared, that if they had known any hard censure to have past thereupon, they had never votted to any such constitution.

" 6. According to the rule, '*Ejusdem est exequi, cujus est condere,*' it hath been the custome of all lawfull Counsells, and inviolablie observed by the Generall Assembly of Scotland, that they, in their meetings, have execute their owne acts; or, as occasion hath requyred, have committed the execution of the same to certaine Commissioners authorized to that effect, Presbyteries or Provinciall Assemblies, and have never given place to that Papall pride: *Ad Canonum virtutem, ordinem, interpretationem, dispensationem, &c., requiritur Papa; ad infallibilitatem decisionis requiritur, Consilium.*

" 7. As there is no censure ecclesiasticall appointed in the cases above specified, so there is no Act of Parliament ordaining punishment for the alledged transgressions libelled; but, by the contrare, diverse Acts of Parliament, allowing and commanding his Highnesse subjects of this kingdome, to receave the sacraments after the manner observed by us.

" 8. The constitutions of this Kirk, in their due tenor and full extent, viz., anent the conclusion of a particular matter; the penaltie against the controveeners of that conclusion and execution thereof, properly proceed from one and the same authority, viz., of lawfull consent of authorized Commissioners orderly mett for holding an Assembly. Neither is there any lawfull power besydes them, for making, establishing, and executing constitutions of that kind; much lesse may, or should some few of the number, after the dissolving of the Generall Assembly, eek, alter, impare, or presume to execute their acts without their own warrant.

" 9. As I have receaved my ministery by the lawfull order of this Kirk, and by solemne oath and promise, given at my admis-

sion, have submitted myself to the Generall and Provinciall Assemblies and Presbyteries, as judges ordinary, to allow my proceedings, or correct my faults, if any be, &c.: so I stand most humbly submitted to his Majesty and the said Assemblies *respective*, and of reason ought to be judged by no other in the particular lybelled."

As for the seventh reason, howbeit it aggredgeth their iniquity for the tyme, yet it was of no lesse force after, it being supposed that the Assembly at Perth was not a lawfull Generall Assembly, nor the Act agreeable to the Word of God, which no Parliament can rectify by their ratification, farr lesse the Parliament following as it proceeded, as ye shall see anone.

Spottiswood, after he had read the Reasons, said to him, "Take up your Reasons again: If ye will not conforme, I cannot help it. The King must be obeyed. My Lords have given sentence and will stand to it." "Ye cannot deprive me of my ministerie," answered Mr John: "I receaved it not from you, but from the whole Synod of Fife; and for any thing ye do, I will never think myselfe deposed." "Indeed, (said Bishop Spottiswood), I will be a Papist in that. The order of the ministerie hath *character indelebilis;* ye are only discharged of the present exercise of it. Whenever it shall please the King, ye may use it againe without any new imposition of hands."

Mr John wished to be transported, if the nearnesse of Kinghorn to Edinburgh did offend. The Bishop answered, "That cannot be granted now, but afterward, upon your good behaviour." Then he in the protestation following said:—

"I protest before the Lord Jesus, that I get manifest wrong; my reasons and allegations are not considered, nor answered. I attest you to answer before his glorious appearance for this, and such violent and wrong dealling, in oppressing me thus maliciously and fraudulently; and protest plainly, my cause should have been heard as I pleaded, and still plead; and challenge *exceptionem fori ad legitimum forum et judicem.* Likeas, I appeall to the Lord Jesus, his eternal Word, the King my dread Soveraigne his laws,

the constitutions of this Kirk and Kingdom, the Counsells and Assemblies of both; and protest, that I stand minister of the Evangell, and only by violence am thrust from the same."

The only favour he obtained was to be confyned in Bowhill, a little roome of his owne; but he took greater liberty thereafter.*

A number of ministers in the Merce were cited to compear before the High Commission upon the 2d of March 1620; but he† could not obtain so much of them as to make the table short, and to give the elements out of their own hands. They were dismissed with admonition to be quiet, and not to hinder others who had promised, sworne, and subscribed.

Upon Tuesday, the 28th of March, Mr James Law, Bishop of Glasgow, assisted with the Bishops of Argyle, Galloway, Dumblane, Doctor Whitfoord, minister at Moffet, Doctor Hay, minister at Peebles, Messrs Thomas Muirhead, James Hamilton, Archibald Hamilton, David Sharp, Daniell Cunninghame, held a Court of High Commission in Glasgow. Mr William Livingstoun, minister at Lanerk, Mr John Ferguson, minister at Ochiltree, were cited to compear before them. Mr William Livingston alledged he was cited upon the Saturday, and, therefore, in respect of his sermons, had not tyme to advyse upon the lybell. They urged him, notwithstanding, with obedience to the Articles. He refused to have ado with them, or their course. They urged him to take a tyme to advise. He refused, because he doubted not, and would not weaken others by his dissembling. When they urged him with the authority of Perth Assembly, he answered, "That he was not bound to do good for that Assembly, much lesse to do evill; he wold do good because it is good, and not for that Assembly." When Bishop Law asked, What he had to object against that Assembly, he answered, "It was neither free, nor full, nor formall; it consisted not of such as had power to enact. I thank God I saw it, and the proceedings of it.

* That is, he continued preaching at Kinghorn, notwithstanding the sentence of the High Commission.

† The Bishop of St Andrews.

Lawfull Commissioners were neglected, and others were admitted to vote who had not commission." The Bishop seemed to take no notice of such speeches. When they proceed to the sentence of deposition or confyning, he answered, That their sentence proceeded not from a just power, nor was given for a lawfull cause, nor the processe deduced after a right manner; and gave his reasons, which are expressed in his declinature. Mr John Ferguson, after some speeches past betwixt him and them, declyned likewise, and told them they must be answerable to God, how they dealt with him. Glasgow answered, "We will be doing in the meantime." Mr John professed plainely he would not acknowledge their deposition, but would teach as long as any would hear him. As for his wairding, he acknowledged the King's power over his person. At the entreaty of some, he got ease of the place of his confyning, to wit, Perth. Mr William Livingstoun should have been confyned in Minnie Abbey; [but] went home to his owne flock. The coppie of the Declinature given in by them severally followeth:—

"In respect the fault lybelled concerneth my office of my ministerie, which I receaved by the lawfull order of this Kirk; and by solemne oath and promise given at my admission, have submitted myself to the Generall and Provinciall Assemblies and Presbyteries, as judges ordinary, either to allow my proceedings, or to correct my faults; I stand most humbly submitted to his Majesty and the said Assemblyes *respective*, and, by reason, ought to be judged by no others in the particulars lybelled. Therefore, seeing it hath been the custome of all lawfull Counsells, and inviolablie observed in the Generall Assemblies of the Kirk of Scotland, that they in their meetings have execute their owne acts, or committed the execution thereof to certain Commissioners: And seeing the alledged acts containe no paine, or hard censure to follow thereupon, neither hath the Assembly given power to Commissioners to execute these acts; neither is there any Act of Parliament, ordaining punishment for the alledged transgressions lybelled, but by the contrary, allowing and commanding his Highnesse's sub-

jects of this kingdome to preach and receave the sacrament, after the manner observed by us: Notwithstanding whereof, the lybell threatens, not only deprivation from all function of the ministerie, but also punishment by other censures and pains that may be imposed by vertue of the High Commission: Farther, his Majesty and Three Estates, (James VI., Parliament 8, Act 131), dischargeth all judgments or jurisdictions, spirituall or temporall, which are not approven by his Majesty and Three Estates conveened in Parliament, and decerneth the same to cease, till the nature thereof be first seen and considered by his Highnesse, and the said Three Estates, conveened in Parliament, as said is, and be allowed and ratifyed by them: Certifying them that shall proceed in using and executing of the said judgments and jurisdictions, or in obeying the same, not being allowed and ratified, as said is, they shall be repute, holden, called, pursued, and punished as usurpers and contemners of his Highnesse's authority, for example to others: And true it is, that this Commission was not approved in Parliament, notwithstanding interveened since it was first used: Therefore, whatsoever censure ye may inflict for useing, I will not incurr the like for obeying. For the reasons foresaids, and others to be eeked, if need be, I DECLINE the said High Commission, as no wayes competent judges in the caise above specifyed; and humbly submitt myselfe to be judged by the laws of the Generall Assembly."

Mr Robert Scot was continued till after Easter.

Directions were sent downe from the King in the beginning of Aprile 1620, to confyne certaine citizens of Edinburgh for assisting refractorie ministers in their disobedience, accompanying them when they were to compear before the High Commission, thereby encourageing them to stand out against the orders of the Kirk, in contempt of authority. Whereupon the persons following, nominat in the King's letter, were charged upon the 25th of Aprile, to enter to their severall wairds or confynement, without citation, tryall, or conviction before the Counsell, only for satisfaction to his Majesty: William Rigg and James Cathkin, to addresse them-

selves to Cathnesse, within the space of thirty dayes; Richard Lawson, to Aberdeen; John Meen, to Wigtoun, within twenty dayes; Thomas Ingles, (mistaken for John Ingles), to the burgh of Montrose; Robert Meiklejohn, to the city of Dunkelden, within fifteen dayes; and to keep waird within the bounds limited to them, and no wayes to transcend the said bounds, without the King's speciall warrand had and obtained thereto, under the pain of rebellion. There was no pretended cause against Robert Meiklejohn, but that he sat the year preceeding, when Mr Patrick Galloway delivered to him the elements, whereby it seemeth that Mr Patrick put him in this roll. The Counsell of the towne interceeded with the Bishop of St Andrews for them; so the execution was superseded till July.

Bishop Spottiswood held a Diocesian Synod upon the 25th of Aprile. He threatened to cause the Conforme ministers censure those that were Not Conforme; but those who wold not conforme went out of the Assembly, except seven or eight, after they had answered to their names. For a terror to this Synod, he had deprived, in the court of High Commission, in the week preceeding, Doctor Barclay of the exercise of preaching within the diocie of St Andrews; confyned Mr David Mearnes, minister at Carnbie in his own paroch, with certification of deprivation, in caise he resolved not, betwixt and Martimasse, to minister the Communion according to the Act of Perth. Mr William Arskine was ordained to be confyned in Angus.

Upon the 19th of June 1620, new intimation was made, by proclamation of the King's will, and pleasure, concerning obedience to be given to the Acts of Perth Assembly, especially the Acts concerning the fyve dayes, and the receiving of the Communion, under the pain of suspension, deprivation, confyning or wairding of ministers and penalties prescribed for professors according to their qualities and degrees.

In the beginning of July, William Rigg and John Meen were charged *de novo*, to enter into their confyments; but, after entreaty, the Bishop wrote to the Counsell in their favours.

In the beginning of May or end of Aprile [1621,] the subjects were warned, by proclamation, to give in what sutes, articles, or petitions they had to propone to the Parliament, to the Clerk of Register, before the 20th day of May, that by him they may be presented to so many of the Counsell as were appointed by his Majesty to meet some dayes before the Parliament, with certification the same shall not be receaved, read nor votted in Parliament, unlesse they be passed under his Highnesse hand. All other corporations or private persons, as they had to do in Parliament, keept their ordinary meetings, according to their wonted priviledges, to prepare their petitions and articles. But that liberty which ministers wont to have of a Generall Assembly, to send Commissioners with articles to the Estates conveened in Parliament, was denyed to them, not only now, but at other Parliaments preceeding; therefore some ministers aggreed upon a Supplication, which was presented by Mr Andrew Duncan in their name to Sir George Hay, Clerk of Register.

In this supplication which, in the full tenor, is sett downe in "The Course of Conformity," they humbly desyre, in the name of this Kirk, that the Estates would interceed at his Majesties hands, That—

"A sufficient and ready execution of former Acts of Parliament made against the fearfull blasphemie of God's name, profaneing of the Lord's Day, and contempt of his Sanctuary and Service, so universally overflowing in this land, not only in the persons of poor ignorants, in a manner tyed to those horrible crymes by a cursed custome, and beggarly necessity; but even in the more honourable sort, whose damnable exemple encourages their followers to sin without fear; with such additions as may represse and restraine these crying abominations in all, without respect of persons.

"A safe liberty to enjoy the profession of our religion, as it is reformed in doctrine, sacraments and discipline, and hath been openly professed, sworne and practised by Prince, pastors, and people of all ranks, your predecessors of worthy memory, yourselves, and we all yet living, these threescore years bygone and above.

"A full deliverance from and a sufficient defence against all novations and novelties in Doctrine, Sacraments and Discipline; and especially such as, by constitutions of the Kirk, Confessions of Faith, liberal lawes of the country, oaths and subscriptions, and long continued practice, hath been condemned and cast out, as idle rites and Romish formalities, under whatsoever pretence they plead for re-entrie.

"That no Act passe in derogation and prejudice of the acts already granted in favour of Reformation, liberty of Assemblies, convenient execution of Discipline, &c.; or for corroboration of new opinions, against the same, whether Episcopacy, or ceremonies, the shaddow thereof, which for the peace of the Kirk should be rejected by heavenly wisdome, rather than ratified.

"That all Ministers that are removed from their charges be restored to their places, functions and stipends.

"The happinesse to live under his Majesty and his heirs, ordinary judges and rulers appointed by lawes and customs, and established by the Acts of Parliament. That our cause be lawfully cognosced, according to order and justice, before any sentence passe against our persons, places and estates; and not to be judged by any judicatory forreigne, and not established by the lawes of the countrey."

The Clerk of Register with great difficultie was entreated to receave the Supplication. When he receaved it, subscribed by the presenter, he professed he doubted whether he would exhibit it to the Parliament or not.

The King's great Commissioner, the Marquesse of Hamilton, after he came from Court, had his first meeting in private with the Officers of Estate and some others. They consulted how to prevent and stop all opposition at the ensueing Parliament against the ratification of Perth Assembly and Acts thereof. The Parliament was prorogate from the 23d of July 1621 to the 25th, that the Bishops and other agents for the King might have tyme to deall with Noblemen and Commissioners. They tryed their inclination, and as they found them affected wrought upon them to be present or

absent, or to resolve wisely against the day appointed, specially such as had broken estates. Those whom they feared most, they would have had them to believe that opposition was needlesse: Therefore some dispairing, cryed out, "Our opposition will do us evil, and the cause no good." Others, of a more servile and base spirit, resolved to follow the multitude, and the mightie. Some noblemen obtained licence to returne home, which was easily granted.

Upon the 22d of July, Mr Alexander Simpson, minister at Merton, preaching in the Grayfrier Kirk, spared neither King, Bishops nor Ministers. He and Mr Andrew Duncan, presenter of the supplication above mentioned, were apprehended the day following by the captain of the guard, and presented before the Counsell. Mr Alexander concealled nothing of that which he had said, and spared not to call the Bishops, in their face, "belly-gods," and "enemies to the Kirk of Christ," and denounced the judgments of God against them if they repented not. The Bishops wold have had him publickly punished. Some bade hang him to be a terror to the rest; others, better acquaint with his resolutenesse to suffer, advised them to take a calmer course. So he and Mr Andrew, who was challenged for presenting the Supplication, were, at the appointment of the Counsell, convoyed by the guard to Dumbarton; where they were detained till October following, and then presented before the Counsell. Mr Alexander was confyned in his owne paroch; Mr Andrew Duncan in Killrinnie.

The weell affected ministers who were conveened out of all the quarters of the countrey, directed, upon the 23d of July, eight or nine of their number to the Commissioners of Burrows, to request them to stand to the purity of the truth and liberty of the Gospell. They receaved fair words, but litle performance, at that Parliament. One of Bishop Spottiswood's domesticks who was present, informed the Bishop; the Bishop informed the Counsell. Upon this pretence, and upon the pretence of the preaching delivered by Mr Alexander, the ministers were charged to depart off the towne within twenty-four hours after the charge, except the ordinary

ministers of Edinburgh, and such others as, upon notoriety of their lawfull affairs, wold procure a warrant from the Ordinar, and, failling him, from one of the Archbishops; but the true cause was, lest they staying, should procure opposition to the ratification of the Acts. Other subjects that had to do in that High Court of Parliament, were suffered to repair and remaine in the burgh. The Bishops were bound by the Caveats to do nothing in Parliament without advice and consent of the General Assembly; but they laboured by all means that there should be no Generall Assembly. Yea, howbeit in the Parliament preceeding, when the union of kirks and modification of stipends were to be treated, they invited and desired promiscuously, ministers to come and assist them with their advice and countenance; but now, when the Five Articles were to be treated and ratified, neither have they a Generall Assembly with whom to advise, nor a promiscuous meeting of ministers, but will have all that are opposite to their intention to be removed out of the towne. Howbeit it was granted by proclamation, that so many ministers as might procure a warrant from the Bishop might stay still; yet when some craved licence, the Bishop would not grant it, unlesse they would promise to make no interpellation nor intercession, private or publick, against the Five Articles.

Some zealous men of the ministerie, understanding before that the charge was to be published, resolved to leave Informations and Admonitions to the Estates, and agreed upon a Protestation to be presented to them, if the Informations and Admonitions wrought not the effect intended. They left these Informations following:—

"Your Honors assembled in this present Parliament, ought to abstaine from all ratification and all corroboration whatsoever of Perth Assembly, and the acts thereof, for the reasons following, and many moe alledged and to be produced, if your great adoes could permitt:—

"1. It is but an Assembly single, and in itselfe divided. 2. In forme of proceeding not only different from others, but directly against the order established in the Kirk. 3. In effect contrarious

to all Generall and Provinciall Assemblies, Presbyteries and Sessions as they are institut, and have been holden in Scotland since Reformation of religion within the same. 4. The carried sentence and acts thereof are repugnant to the forme of religion receaved, believed, professed, established and defended by this Kirk and whole body of this realme, by your honourable predecessors of worthie memorie, and yourselves, and practised universally, and in the severall paroches of this kingdome, these sixtie yeares and above. *Non est a consuetudine recedendum facile, nisi rationi adversetur;* much lesse from a known truth, directed and blessed by God in such abundance of benefits, as the land hath enjoyed with religion. No Kirk, Protestant nor Lutheran, nor of other profession, Papists or whosoever, will go in a change, without some evident, at least apparent reason of the Word. The change but of the old Calendar for the Pope's new one, (and that is but a small thing), made a great hurly-burly at Riga in Livonia, and at Augusta.

" 2. Such ratification should crosse and directly prejudice the Acts of Parliament 1592, and the provision expressed in the end of the Act of Parliament 1597, and all other acts sett down in favour of the jurisdiction of the Kirk, liberty thereof, Assemblies and discipline: *Item*, His Majestie's proclamation, published and printed at command of his Counsell, 1605: *Item*, The protestation made at Perth 1606, and all others made before and since: *Item*, The Covenant made by the ministers and professors of this kingdome, 1596 and 1597, and all other bands, whereby pastors and flocks have obliged themselves, in persons and continuall practice, to stand to the forme of religion receaved and practised. *Tales legum mutationes* would prove *legum vulnera. Quæ in suo statu eademque manent, etsi deteriora sunt, tamen utiliora sunt reipublicæ, quam quæ per renovationem vel meliora inducuntur.* And with what credit and constancie could your Honours confirme separation from your fathers, and the break of ancient unity and conformity with your owne Kirk, when it may be truly said, *Melius atque rectius olim provisum, et quæ converturtur, in deterius mutantur?*

" 3. The Reformers of this Kirk, and such as by a long continu-

ance followed them, laid a sure foundation, and builded upon the same without error, notwithstanding of difficill tymes. It were our wisdom to go forward, and not backward; to strengthen, and not to weaken. David left not the ark where Saul left it, nor Solomon where David. If our fathers were in the way, our change is error, and out of the way. And shall we say now, that our sound and ancient profession is *priscus rigor, cui jam pares non sunt homines?* Constantine's course was more commendable. *Perfecit Constantinus quod Philippus jam cœperat.* It were our duty if our forebeears have done wrong, to practise the rule, *Quæ illicita a prædecessoribus inveniuntur, admissa in melius revocari oportet.*

"4. Observation of holy dayes, kneelling, &c., as they are straitly enjoined, are void of the necessary properties requyred by the wisest fathers in a lawful ceremonie, *ut fidei congruat, saluti proficiat, disciplinæ conducat;* so in this Kirk, neither are they necessary, expedient, nor fitting the frame of our Reformation. They edify not; they divide and destroy. In so farr as ceremonies, being *testes religionis*, they are signes to the adversaries of the truth, that we repent our Reformation, which is not; and presages to returne to their damned ceremonies, which, by the grace of God, we mean not, in substance or ceremonie. To reinduce them, say the Divines of Germanie, is to disturb the peace of the Kirk, to grieve the godly, to wound the weak, to countenance Poperie by shew of inclination towards it, or commoderation with it. In neighbour Kirks where they most prevaill, their removall is most earnestly sought.

"5. In Perth Assembly, they are concluded not as laws binding either to fault or paine, but as admonitions or constitutions. *Magnum est discrimen inter ecclesiastica decreta et politica, quorum necesse est illa minus obstringere conscientias; nam in ecclesiasticis, spectanda est εὐταξία, in politicis autem parendum est, quamvis tu eam eutaxiam non videas.* Such ceremonies are *juris privati, non publici.* Ilk man is bound in conscience by the Word, first to discerne what is indifferent, and then to direct himselfe in the right use of every individuall thing for his own edification. And

if ministers and professors be restrained from that search, and brought under a compelled obedience by the law, that were to revive the ancient servitude of the German Adiaphorisme, wherewith the godly wold never suffer themselves to be entangled: *Nulla lex sibi solam conscientiam justitiæ suæ debet, sed iis a quibus obsequium exspectat.*

"6. Our forebeears findeth the controverted ceremonies to be the mouse-webbs of Popery, and like the moudiworts in Thessaly, that overthrew a whole towne. *Quod in Papatu dolendum, in reformatione auferendum putarent.* They not only took away Baal, but the calves of Dan and Bethel. They thought it nowayes meet to follow Pilate's policie, to please the Jews with scourgeing of Christ that they might keep him alive. And will the Papists be pleased with scourgeing the doctrine with inventions, &c., and taking again some of these ceremonies? Will that preserve us against their heat breathed out against us as hereticks, and make us lurk under mitigation, as if we were now but schismaticks? '*Non est ad hunc modum in religione agendum,*' (saith one); '*tota enim repurganda est, et ad vivum emendanda.*' And another saith, '*Atqui præstaret sepultam esse doctrinam ad tempus, quam sic flagellari.*' It is to be feared, before it be long, that men disaffected to the ancient order shall further presume, ere it be long, to give out other doctrines as well as new ceremonies.

"7. Ratification wold compasse a great many ministers and professors of this Kirk between two dangerous straits: Either to practise against the truth, as they understand it, and have walked in it, and against the personall bands, whereby they have obliged themselves to stand constantly to the obedience of it, or else to fall under the breach of a civil law, more hardly, perhaps, to be pursued than the lawes against heresies, blasphemies, breaking of the Sabbath Day, &c. In such case, as we are alwayes ready, in our goods and bodies, to the increasing and upholding of his Majestie's honour and Estate; so, according to our possibility, and the occurrent necessity of his Majestie's affairs, we cheerfull offer our best supplies and help. And for ease of our just greevances,

and fears of our Christian liberty from constraint of ceremonies, we humbly begg to have returned ratification of our ancient liberties of religion. Ceremonies should be perswaded by reason, and not enforced by compulsion. *Propter externos ritus disciplinæ homines pios ferire, neque Domini est voluntas, neque purioris ecclesiæ mos.* In the name of our Lord Jesus Christ we requyre your Honours, that at this tyme ye walk in the matters of the Kirk, as one day ye shall be judged dutifull, according to the Scriptures following:— 'Beware of men; bewarr of evill workers.' 'Let no man beguile you with enticeing words.' 'Stand fast in the faith; quite you like men; be strong.' 'Stand fast in the liberty wherewith Christ hath made you free, and be not entangled again with the yoke of bondage.' 'Hold fast the form of sound words.' 'That good thing which is committed unto thee, keep.' 'Contend earnestly for the faith which was once given to the saints.' 'Seeing ye know these things before, bewarr lest ye fall from your owne stedfastnesse. 'Strengthen the things which remain that are ready to die. Remember how thou hast receaved, and heard; and hold fast, and repent. If thou watch not, I will come upon thee suddenly like a thief in the night, and thou shalt not know what hour.' 'They have no courage for the truth upon earth.' (Jeremiah, ix. 3.)"

FIVE REASONS WHY THE FIVE ARTICLES OF PERTH OUGHT NOT TO BE RATIFIED IN THIS PRESENT PARLIAMENT.

"First, Because that Assembly was not lawfully constitute, wanting a fundamentall priviledge of a lawfull Assembly, in respect that, contrary to the Act of the Generall Assembly, holden *anno* 1600, and *anno* 1568, Bishops, Barrons and Burgesses, votted, not being authorized with Commissions from Synods, Presbyteries, nor Sessions of Kirks. His Majestie's letter, directed to particular barrons and burgesses, without commission from their incorporations, could not give them vote in Parliament, much less in the Generall Assembly.

"Secondly, Putting the case that these Articles were indifferent, yet the Assembly hath erred, in respect it hath concluded contrary to the apostolick rule in things indifferent; which is, that the practice should not only not compell him that, for conscience, refuseth to practise, but, also, lest he offend him, should forbear to practise himselfe; *propter conscientiam non tuam, sed ipsius, dico*, 1st Corinth. x. 29. 'If thy brother be grieved for thy meat, now walkest thou not charitably. Destroy him not for thy meat for whom Christ hath died.' (Rom. xiv. 15.)

"Third, Because the foresaid Articles being determined *in alteram partem per circumstantias impeditivas* in themselves, are unlawfull: the observation of it drawing with it a revolt, and returning back again to Popish rites and ceremonies; a violation of our profession, subscriptions and oaths, whereby we renounced them; a confirming of Papists in their errors, and putting them in hope of our coming to them in more substantial points; grieving of the hearts of all zealously affected; a preparative in the hearts of the commontie, (who measure religion more by externall masks of ceremonies, than by substantial points of doctrine), to the receaving again of whole Poperie; a terrible renting of this Kirk, and inducing Atheisme instead of religion, the people not knowing what to believe; and seeing the observation of Yuill obtruded, which, before discharged by Act of Parliament in all pulpits in Scotland, was sufficiently declared to be the invention and tradition of men, to be will worship and superstition, intertaining the people in an error anent the birth of Christ, leading them to all sort of excess and profanation: And geniculation, the first of the fifteen ceremonies of the Masse, (*teste Bellarmino*,) a gesture invented and ordained only by Antichrist, more than 1300 years since, after Christ, as the principall externall worship of their breaden God, now inforced in the celebration of the Lord's Supper, under pretence of indifference, more reverence and humility; as if we were not forbidden, *præcepto negativo*, to presume to give or receave the Communion more reverently than Christ and his disciples did; or that we were not commanded, *præcepto affirma-*

*tivo*, to imitate Christ in all his religious actions, neither miraculous nor admirable, nor having particular reason restricting them to that time; as though we were not warranted, *præcepto comparativo*, rather to imitate Christ with a table gesture, in that holy banquet, than Antichrist with a gesture of adoration inductive to idolatrie; or, as though a man were able to give a reason why the surplice, the crosse, and the elevation of the bread, may not as well be receaved, (being of more antiquity). And if the ministers, having a surplice, with crossing, elevate the bread, and the people bow their knee, what want we of a mass? *Ubi semel deerratum est, in præceps devenitur.*

"Fourth, Because, if the High Commission be emboldened, with ratification of this Parliament, to deprive ministers that will stand out against these ceremonies, being the greatest number of the best qualified, most painfull and fruitful of their calling within the land, what a lamentable desolation shall it draw upon this Church! What a wound shall it be to every godly heart, to see their faithfull pastors deprived, wairded, and banished, for giving the Communion as Christ gave it, and refusing to give it after the forme of Antichrist! Is this a tyme to obtrude Antichristian ceremonies in the Kirk, when the bloody sword of Antichrist is embrued in the blood of so many Protestants in France and Germany?

"Lastly, Because it was never seen, that this Parliament confirmed the Acts of any Assembly, which they knew was called in question, not only by a great number of the special of the ministerie, but also by the greatest part of the most zealous professors of the whole bodie of the kingdome; as is manifest by the practice of Edinburgh, seeking the Lord's Supper in thousands without the city."

In their Admonitions they inferr that the sound of the feet of Poperie is at the doores, by these tokens—That Papists go free who used to be fyned; professors are counted Puritans, and religion disgraced; Seminary priests go abroad, and true pastors are confyned and imprisoned; sea-ports are patent to forreigne Papists,

and banished ministers lye unrecalled; sundry statesmen be small friends to the true profession, and not unfriends to Papists; tyme-servers, and men-pleasers, usurp commission for Christ's Kirk, being the greatest enemies thereof; the discipline of Christ's Kirk is already weell nigh destroyed, and turned Antichristian, by the usurpation and tyranny of our Prelates. The bringing back again the cursed ceremonies which many count indifferent, but are, in effect, pernicious, is, by the confession even of the urgers, at least unnecessary and untymous, and so in religion abominable and impious; but, in truth, it is, *first*, a returning of the dog to the vomit; *second*, scandalous to Papists and professors; *third*, contrary to the Word; *fourth*, in regard of the present use, whersoever they are receaved, proving superstitious; *fifth*, by reason of the oath of God, which hereby is despised, blasphemous; *sixth*, in regard of the consequences damnable and devilish; and for the manner of their establishing by violence and craftinesse, to all who have eyes, odious.

In their Protestation they professe, if it shall happen that any matter be proponed, put in articles, or concluded in prejudice of the religion established, and Acts of Parliament passed in favours of the same, they will be constrained to use the remedy of a protestation. Likeas, adhereing to the protestations made at the Parliament holden at Perth in the year of God 1606, and to the protestations used in the last Parliament holden at Edinburgh, [1617], and to all other protestations whatsomever made in favours of the Kirk, and against all hurts and injuries intended against the same: By the presents, they solemnely protested against all and whatsoever articles, acts, or statutes whatsomever, shall be proponed, concluded, or published in and from the present Parliament, in prejudice of the jurisdiction and liberty of the Kirk, Assemblies thereof, order established, or any part thereof, or in favours of the usurped government, and damned hierarchie of ceremonies and alterations whatsomever, concerning the ministration of the sacraments, or any other point or practice of discipline receaved in this kingdome. Mr David Barclay was appointed to subscribe to the

protestation in their name, and to present it to the Lords of the Articles, being conveened, and, if need be, to affix the same upon the Parliament House door, or Mercat Croce, that their reasonable disassent may be notoriously knowne.

The Informations and Admonitions above mentioned made such impression upon the hearts of many members of the Parliament, that few wold have consented to the ratification of the Five Articles, if they had not been wrought upon by the Marquesse of Hamilton, the Bishops, and others that were sett on work by them.

It was recommended to the care of the double guard, within and without, that no minister, wanting the Bishops licence, be suffered to enter into the Parliament House. After the members of the Parliament were placed in their owne ranks a second search was made, that such ministers might be removed, in case any had been suffered to enter. The Marquesse, in his harangue, after he had laid open the King's great and extraordinary affairs, continuall deburse-ments, extraordinary aides, his suffering for the defence of the Protestants and Reformed Kirks, more than all the Princes of the world sustained, he spoke of the Five Articles as of matters indifferent, and therefore might be enjoined by the Prince who hath lawfull power to command in such things. He promised in the King's name, that if they wold consent to the Five Articles they should never be urged with moe ceremonies. He doubted nothing of their good affection and concurrence to his Majestie's reasonable desyres, and assured them that he wold let his Majestie know every man's part.

So the Five Articles were not proponed indifferently and impartially to be considered, whether it was reasonable or expedient to passe them in lawes or not, but by way of entreaty, to satisfy the King's desires, and indirect threatening that his Majestie shall be acquaint with every man's part. The choise of the Lords of the Articles was not made of persons most indifferent, of best judgment, and no wayes partially affected to any party, as beseemeth free Parliaments and Counsells. The Bishops chose

eight of the Nobility; those eight choosed eight Bishops; these togither choosed eight Barrons and eight Burgesses. The Officers of Estates sat and votted with them. The Lords of the Articles should have begun at the affairs of the Kirk, according to the custome; but to induce such as were not affected to the Ceremonies to a large subsidie, upon hope to be freed from the Five Articles, they began at the taxation. Three dayes were spent in reasoning, voting, presenting petitions, receaving answers, and setting down conditions in favour of men fearing their owne hurt. But the Five Articles were quickly passed over, without regard had to the discontentment of the subjects, the present rent in the Kirk, the suffering of ministers and professors, and other inconveniences likely to ensue. All except four consented to the Five Articles. Mr Patrick Forbesse, Bishop of Aberdeen, was not content that the matter was carryed by plurality of votes, but reviled the contrary minded as singular.

Notwithstanding there was good appearance that the Articles should passe in Parliament, being agreed upon by the Lords of the Articles, yet the King's chief agents thought good to hold the Lords of the Articles busied with something, that they might have leasure to deall with the members of the Parliament. They imployed some treacherous intelligencers to try such as were yet unknown to them. These insinuated themselves in the meetings of Noblemen, Commissioners of shyres and burrows, and other occasionall meetings, rarer or more frequent, as occasion was offered. They counterfitted a dislike of Perth Articles where they found any to dislike them. Where they thought they were not suspected, they wold craftily disswade men from good motions and resolutions, with shew of agreement in the generall end. At night they returned to their directors, and informed them what was every man's disposition, that they might know with whom to deall by themselves, or by others. Whereupon the Noblemen, Commissioners of shyres and burrows, were requested, in an imperious manner, to forbear their meetings which they should have had for advising, reasoning, and preparing themselves the more deliberatly

to vote in publick. It was promised, they should have inspection of whatsoever thing past among the Lords of the Articles, at least twenty-four hours before the publick meeting. They were enjoined not to meet without the Great Commissioner's speciall consent. In the meantyme were the members of Parliament wrought upon. Some were allured with fair promises to promise consent; others, howbeit otherwayes well affected, were so terrifyed that they left the town. Some went home to eschew importunate requests. Some who obstinately refused when they were chosen by their shyres to accept commission, and had taken instruments upon their refusall, yea, had sworne, neither to ryde nor vote in Parliament at that tyme, were induced both to behave themselves as commissioners, and to vote for the Articles. In the meantyme, the King, lying near to York, of purpose to receave tymous advertisment, was informed of all their proceedings.

The bruite was spread, that the Parliament was to sit longer than was looked for. But suddenly, without knowledge, and beside the expectation of many of the members of the Parliament, Saturday the 4th of August was appointed to be the last Ryding day. Upon that day, betwixt three and four in the morning, many were raised out of their beds with the sound of the common bell, and came forth in arms, barefooted to the streets, fearing the people had made some insurrection. Those who had their hands deepest in the present course were in the greatest perplexity, till they understood the people had no other intention but to quench a fyre, consumeing a tenement of land in the Cowgate. When the Lords were mounting on their horses, a swan flieing over their heads, and muttering her naturall song, the people whispered among themselves, that they feared a bad conclusion of that Parliament. The entry to the Parliament House was straitly keept, lest any minister should enter without the Bishops' passeport. Mr David Barclay, minister at St Andrews, got entry, but with great difficulty, as farr as to the uttmost barr, where he waited upon occasion to enter farder; but, in end, was removed and put forth. He being debarred of accesse, fixed a coppie of

the protestation above-mentioned upon the door of the Parliament House, and another upon the Croce.

After that all the members of the Parliament were sett in their owne places, the Great Commissioner, the Marquesse, exhorted them to yield to the Five Articles concluded in Perth; made apologie for the King's sincerity in religion; attested, there was nothing under heaven could be so acceptable to his Majesty, as that the Kirk of Scotland wold receave the Five Articles; and said, he wold engage his honor, faith, and credit, upon that Princelie word, which his Majesty spoke to him, That if they wold receave those Five Articles at that tyme, his Highnesse wold never burden them with any moe ceremonies during his lifetyme. This he affirmed again in substance. After that the Chancellor had ended his speech, no place was left for reasoning. The promise made to the nobility, to have inspection of the conclusions of the Lords of the Articles, twenty-four hours at least before the publick voting, was tymously remembered by N. But this motion, and all farther deliberation was with bitterness repelled. Although the Five Articles were indifferent * in themselves, and in the opinions of the most part, yet were they trussed up togither, that the weightiest might seeme of no greater weight than the rest. The votters were discharged here as at Perth to give any reason for their votes. They were directed to expresse their voices by these words, "AGREE" or "DISAGREE." It came to passe that the wyde opening of the mouth at the syllable *a*, did eat up the first syllable *dis*, when some, specially those who spoke with a low voice, being affrayed with the minaceing eyes and looks of the Secretar, answered; and so the *negative* was noted for *affirmative;* Disagree for Agree. In calling the roll and marking the voices, the distinction of the Three severall Estates was not observed, but the names promiscuously called. Sundry voted as proxies for absents. The Secretar voted for two English Vicounts who had never been in Scotland but within this halfe-year. If they had wanted their proxies and the votes of the Officers of Estate, the

* That is, unconnected.

*affirmative* voters had been inferior in number, as men conceaved who were present. Two or thrie noblemen presented not themselves to their places till the Articles were past. All former Acts of Parliament, constitutions and customs, in so farr as they were derogative to any of these Articles, were annulled and rescinded, as we find them extant in print; howbeit these words were neither voted nor read in Parliament. Alwayes it is acknowledged that they are repugnant to the former acts; which some do deny. Howbeit it was usuall in all Parliaments since the Reformation, that the liberties of the Kirk be ratified, the liberty of Assemblies and discipline for tryall and punishment of the adversaries of the true religion, yet no mention was made of the same.

When the Grand Commissioner, the Marquesse, was rising from the throne to ratify the Acts by the touch of the scepter, an extraordinary great lightning was sent in at the windows. After the first, a second, and after the second, a third more dreadfull. The lightnings were seconded with three great cracks of thunder. The house was dark before by reason of the darknesse of the day; but immediately after the lightning, followed an extraordinary great darknesse, which astonished all that were in the house. It appeared to all that dwelt within the compasse of ten or twelve myles, that the cloud stood right above Edinburgh, and overshaddowed only that part. The people called this Saturday, "The Black Saturday." The beacon standing in the entry of Leith haven was beaten down with one of the blasts of thunder. After the lightning, darknesse, and thunder, followed a showre of haill stones extraordinary great; and last of all, rain in such abundance, that it made the gutters run like little brooks. The Lords were imprisoned about the space of ane hour and an halfe. Servants rode home with foot mantles; and their masters withdrew themselves, some to coatch and some to foot. So the Five Articles were not honoured with carrying of the Honors, or Ryding of the Estates in ranks. In the mean tyme, the Castle thundered with fyrie cannons, according to the custome used at other Parliaments. This day began with fyre from the earth in the morning, and ended with fyre from heaven at the

evening. When the fear was past, then durst the Atheists scoffe, and say, That as the Law was given with fyre from Mount Sinai, so did these fyres confirme their lawes.* Bishop Spottiswood went to Leith that night, and crossed the ferrie the day following, according to his custom of profaneing the Lord's Day.

Upon Monday the 20th of August, the Acts of Parliament were proclamed at the Mercat Crosse of Edinburgh. The tempest, rain, thunder and fyre-flaughts † were renewed, and continued all the tyme of the reading of the Acts at the Crosse. After the Acts of Perth were read, Doctor Barclay fixed a coppie of the protestation above written upon the Crosse, and another upon the kirk-door, and a third upon the palace-gate of Holyrood House; whereupon he took instruments with all requisite solemnities, using the words following:—"Here, in the name of the bretherne of the ministery professing the religion as it hath been practised in our Kirk since the Reformation of the same, I protest against all those things that have been concluded in prejudice of our priviledges since the first Reformation thereof; and adheres to my former protestation made and affixed upon the Tolbooth door and other places, and to all other protestations made in favours of the Kirk in tyme of preceeding Parliament."

The King, having obtained the vantage of a law, enjoined [on] the Bishops rigorous execution, alledgeing that the greatest matter the Puritans had to object against the Church government was, that their proceedings were warranted by no law, which now, by this last Parliament, was cutt short. As the sword was put into their hand he exhorted them to go on to use it, and let it rust no longer, till they perfected the service trusted to them. This letter, as many other of that kind, was no doubt procured, if not devised and penned, by the Bishops themselves, and sent up to Court. The stile is like Spottiswood's.

Upon the 10th of October, the King directed a letter to the Counsell, willing the Lords of the Secret Counsell and Session,

* Calderwood's reflection on this is, "O horrible blasphemy!"
† *Fyre-flaughts*, flashes of lightning.

and members of the Colledge of Justice, to be advertised before Christmasse, to resolve upon obedience to the Five Articles; to assure the Counsellours and Sessioners, that if any of them do not resolve to conforme within fourteen dayes before Christmasse, he shall lose his place in his service; if any advocate or clerk, he shall be suspended from the exercise of his office, the fees and casualities thereto belonging, till such tyme as he conforme. He signifyed also, that it was his speciall pleasure, that no magistrates, nor officers of burghs, nor shirreffs, nor shireff-clerks, nor officers be chosen throughout the whole kingdom, but such as in all points conforme and give obedience to the said orders.

About the end of October, the Bishop of St Andrews alledged he had receaved a letter from the King, to urge all ministers, readers, and schoolmasters to conforme, or else to depose them, without respect to age or infirmity. Whereupon, Mr Thomas Bigger, reader of Kinghorn, was cited to compear before the High Commission, and wairded in the Tolbooth of St Andrews. In end, the Bishop set him at liberty, upon condition to keep himselfe within the schooll, and neither read in the Kirk, nor discharge the office of a Clerk in the Session.

Mr John Murray, then minister at Dumfermling, was again troubled. He refused to compear before the High Commission, and was forced to remove when the Bishop had procured a warrant to charge him, under the pain of rebellion, to remove, and to remain confyned within the paroch of Fowles.

Mr John Row, minister at Carnock, was confyned in his owne paroch.

Mr David Dickson, minister at Irving, was threatened by the Bishop of Glasgow, upon the 6th of December, for not practising the ceremonies, and labouring what in him lay at the last Parliament to impede the acting of the Articles, but was dismissed at that tyme, after some conference and reasoning with the Bishop; but was summoned upon the 2d of January, to compear before the High Commission in Edinburgh, the 9th of January 1622. He compeared, and after the summonds was read, he desyred

them to expone his words to the best sense, and to suffer himself to be the exponer. In end, he asked if Mr George Dumbar had given in a declinature, but they wold not satisfy him in that point. He taketh out of his pocket a coppie of the declinature, and laid it down to the Clerk. Some of the Bishops, whispering in his ear as if they had favoured him, said to him, "Take it up, take it up." He answered calmely, "I laid it not downe to that end to take it up again." St Andrews asked, If he wold subscribe it. He professed he was ready. The Clerk, at the Bishops direction, had scarcely read three lynes when the Bishop burst forth in cursing and railling speeches, full of gall and bitternesse, with a countenance answerable, and affirmed there was more pride in him than in all the Bishops of Scotland: he was led with the spirit of rebellion and disobedience, with the spirit of the devill. "I have hanged," said he, "a Jesuit for the like fault." Mr David answered, "I am not a rebell; I stand here as the King's subject, and offer myselfe, in my declinature, to the ordinary judicatorie established already by the King's laws. Grant me the benefit of the law, and of a free subject; I crave no more." The Bishop alledged, His parishoners craved continuation, upon some hope; which they denyed. The Bishop of Glasgow alledged, That he had promised to such as had interponed request for him, that if he behaved himself well before the High Commission, he should be suffered to return home; but by this declinature he had marred the matter, and made it *immedicabile vulnus*. But the truth was, he promised to the Countesse of Eglintoun, that if Mr David behaved himself quietly, when he came to the towne of Edinburgh, he should not be called upon [to appear before] the High Commission; which was not performed. The Bishop desired his parochiners to remove, and move him to take up his declinature. They craved a tyme; but it was not granted. Neither did they as he desyred. He called him a Schismatick, an Anabaptist, one that had misled them, and filled them with fantasies: he railled likewise upon the Towne-Clerk, before they went forth. When Mr David was called in again, St Andrews saith to him, "Thou art a rebell, a

breaker of the fifth command, disobedient to the King and us, who may be your father, both one way and another: ye shall ryde with a thicker back before ye ding the King's Crown off his head." "Farr may such a thought be from me," answered Mr David. "By God's grace, there shall not a stroak come from the King's hand, that shall divert my affection from him." "It is a Puritan tale," said Saint Andrews; "ye call the King your King, but he must be ruled by you." Aberdeen asked, "May not the King give his authority that we have, to as many souters and taylors in Edinburgh, to sit, and see whether ye do your duty or not?" "My declinature answered to that," said Mr David. Then Spottswood of St Andrews fell to railling again. "The devill," said he, "will do so, will draw anew with him, he has Scripture enough." He called Mr David, knave, swingeor, a young lad; "you might have been teaching bairns in the school. Thou knowest what Aristotle saith, but thou hast no theologie." Because he perceaved Mr David gave him no stiles, but once called him "Sir," he gnashed his teeth, and said, "Sir, ye might have called me 'Lord.' Long since, when I was in Glasgow, ye called me 'Lord;' but I cannot tell how you are become a Puritan now." Mr David stood silent all the tyme, and once lifted up his eyes to heaven, which St Andrews called a proud look. At last, Mr David said, "I have been eight years a Regent in the Colledge of Glasgow, and four years a minister. Those among whom I have lived, know I am not the man ye call me. Say to my person what you please, by God's grace, it shall not touch me." "Ay," said St Andrews, "ye glory in your sufferings. There are here who wold suffer more for a good cause, than ye will do for an evill." "No," said Mr David, "I glory not in my suffering; but if ye will trouble me, I hope to have peace in my suffering; as I said to the Bishop of Glasgow, in his owne gallerie." St Andrews gave out the sentence in these words: "We deprive you of your ministerie at Irving, and ordaine you to enter in Turreff, in the North, within twenty days." "The will of the Lord be done," saith Mr David; "though ye cast me off, yet the Lord will take me up. Send me

whither ye please, I hope my master shall go with me; and as he hath been with me heretofore, will be with me still, as with his owne weak servant." "Sweeth away!" saith St Andrews, as if he had been speaking to a dogg, "pack, ye swinger!" and cryed to the door keeper, "Shutt* him out!"

The Bishops were as soon in the streets as the honest men: so it seemeth they neither began nor ended with prayer. The Procurator Fiscall, at whose instance he was summoned, was not present. He was neither accused nor convicted. They asked not so much as, "Will ye obey the Acts of the Assembly?" but only railled, and gave out sentence without mention of any cause. When they considered the words that had past, they could find no advantage, but only, that he had said, "He wold obey the King in the Lord;" which importeth as much, say they, as [that] the King commanded not in the Lord.

After that he had continued preaching twenty days, he took instruments of his readinesse to enter into his journey to Turreff. But at the Earle of Eglintoun's request, the Bishop of Glasgow granted him licence to come to Eglintoun, where he teached in the Hall, or the closse, for the space of two months. Then the Bishop sent him a charge to remove to his waird, upon the 11th of Aprile; howbeit the week preceeding he had promised to the ministers of Glasgow, and forty other ministers, and the Commissioners sent from Irving, that he should not be hastie in the chargeing him. In the narrative of the charge, mention was made, that he was deprived of his ministery within this kingdome; whereas, in the sentence they deprived him only of the exercise of his ministerie at Irving. Where the Bishop in the High Commission had ordanied him to enter into Turreff, without mention of confyneing of him within the bounds of that village; in the charge, he was discharged to passe out of the bounds thereof. So being charged, he addresseth himself to Turreff, in obedience to the civill part.

Mr George Dumbar, minister at Air, after the reading of the

* *Shutt* or *shoot*, push.

summonds, which threatened deprivation, and that some words had past concerning conformity, he gave in a Declinature. The Bishop raged, and alledged he had denyed the King's authority, and made a shew to call for the Provest and baillies to putt him in closse prison. St Andrews alledged, Father Anderson, the Jesuite, was a better subject, and called all the Puritans of Scotland "liers." Mr George answered, "We disclame not the King's authority; we appeall to the authority established by the King and the lawes of the realme, which, in all humility, we will obey either actively or passively." They proceed, notwithstanding, to the sentence of deprivation, and ordained him to be confyned in Dumfries.

The Declinature given in severally by Mr David Dickson and him here followeth:—

"Forasmuch as the Assemblies of this Kirk standing in force, and ratified by the lawes of this kingdome, have respectively, and properly belonging to them only, lawfull power and liberty to try, admitt, and ordaine qualified persons to the service of the ministerie; and to suspend and remove from the same such as shall happen to be found guiltie and insufficient; and to exerce the whole jurisdiction and discipline of the Kirk, according to the order established: By virtue whereof, and by reason of the solemne oath of God, astricting the whole kingdome, and especially the ministrie thereunto, the lawfull Generall and Provinciall Assemblies, and Presbyteries, have lawfull power and liberty in matters of admission and deprivation, to or from ecclesiasticall functions: Nevertheless we have receaved the coppie of a lybell, whereby we are summoned to answer at your instance, in a cause of deprivation, contrary to the priviledges and liberties of the Kirk, lawes of the countrey, and commendable course and practice hitherto observed within this Kirk and kingdome. Herefore we most earnestly and humbly desyre you, that ye wold wisely consider and cease to trouble us with such commandments as may intend prejudice, or prove hurtfull, to the Kirk and kingdome of Christ within this realme: Otherwayes, for the obliged respect and dutie

we carry to the Kirk, and lawfull Assemblies thereof, we will be forced to declyne you, as judges no wayes competent in the cause lybelled. Likeas, we being most willing to eschew the meanest degree and imputation of contempt, have disposed ourselves to come in your presence, to declare unto you the necessity of our subjection to the judges and judicatories above specified; and in that respect to testify our declyning from you, as incompetent judges in the cause lybelled. And by these presents, we *simpliciter* declyne you, offering ourselves most willingly to a lawfull and ordinary judgment, appointed and established by the Lawes of our kingdome, concerning us and our affairs, and that for the reasons following, and others to be alledged in tyme and place:—

"1. Because the right of tryall, cognition, and giving of sentence in the cause expressed in the lybell, standeth in the power and priviledge of the lawfull Assemblies *respective* above written, which by no law nor canon of the Kirk as yet extant are cancelled, annulled, or declared expyred, much lesse translated or devolved in your persons, to try, cognosce, appoint punishments, and execute sentence at your pleasure.

"2. Because this forme of judicatorie is mixed of civill and ecclesiasticall persons, for the inflicting of civill and ecclesiasticall censures upon the parties conveened before you, to the prejudice of that distinction, which should be betwixt civill and ecclesiasticall judicatories, according to the Word of God, and established order in this kingdome; whereby it is out of all question, that no civill person can sitt and cognosce upon the deprivation of a minister: As also, that no minister or ecclesiasticall person may inflict any civill punishment, nor yet any such ecclesiasticall censures as belong to a whole Assembly, much lesse in their owne names libel edicts, summon parties, impose dyets of compearance, lead processe, give out sentences, not only indifferent, but, in many respects, contrarie to the formes of proceedings receaved and practised in the Kirk's affairs, as the lybell whereby we are summoned importeth."

Mr George Johnstoun, minister at Ancrum, was cited to compear at the same tyme. He sent his excuse that he was not able to travell by reason of the infirmity of his body, and the present storme. He was summoned again to compear the 28th of June, for not preaching to the people upon Christmasse day, &c., and not ministring the Communion according to the form prescrived in Perth Assembly. He again excused himself with the infirmitie of his body, and an accustomed fever which followed after his travell in the free air, with other miseries following old age. * In the postscript he has these words: "*Ingerere violentiam naturæ odiosum est. Pueritia apud omnes meretur favorem, commiserationem senectus. Calumniatorem oderis.*" By the calumniator he meant Mr John Abernethie, Bishop of Cathnesse, a diocie in the North, but continuing still minister of Jedburgh, a burgh in the South, who carryed an inveterate malice against him. Bishop Spottiswood Bishop Law, Bishop Lamb, the Bishop of Rosse, the Bishop of Aberdeen and the Bishop of Caithnesse, decerned the old man, who was at the seventy-third year of age, and had been full fiftie years a minister, to be deprived of all function in the ministery, and to be confyned in Annandale during the King's pleasure. He continued, notwithstanding, preaching every Lord's Day, not knowing that they had deprived him, till they intruded not long after a young man in his place, vacant by his deprivation.

Mr Andrew Duncan sent this letter following, dated the 23d of October 1622, to the Bishop of St Andrews :—

"My Lord,—It might be supponed, that seeing I have been so many years under censure of banishment and imprisonment, I might now at last, in my old dayes, look for some pitie and ease, and so much the rather, in respect that favour is now extended to the enemies of the trueth and the Estate, commandment being given out to set them at large out of their wairds and prisons. We that are Christ's servants and ministers then, might be worthily blamed,

* George Johnstone was admitted minister of Ancrum, in Nov. 1572. (Register of Ministers, p. 41.) See also the List of Ministers, 1574, in the Miscellany of the Wodrow Society, vol. i., p. 375.

if we expected lesse than these have already obtained. I must now at last, therefore, request that it wold please you not to trouble me, although I go and serve my Master in that calling he has set me in. King Adonibezeck's judgment should affray mercilesse souls. Hall binks are slidderie you know, and earthly courts are kittle; and King's minions are sett upon high skelfs, but slipperie and dangerous. I have seen one right high, mounted in your roome * and course, that got a foull and shamfulle fall. Pitie your poor soul, and look up to Him that can do this, to the Mightiest. I beseech you remember you have overthrown my poor estate; but what reck of that? you have hindered God's work to be done in many places. The Lord of heaven give you remorse. I beseech you, as you tender your owne salvation, play no more the burrioe † upon your brethren: that is the devil's part. Returne, amend, and disappoint many. If you pertain to God, these lynes will do you no evil. God make you seek mercie and mend.

Yours to be commanded in all good,

ANDREW DUNCAN,

Minister of Christ Jesus at Craill."

"Anstruther, 23*d of October* 1622.

I beseech you for an answer with the bearer."

The hard-hearted Bishop wrote this answer at the end of the letter:—

"BROTHER,—I am sorry to see you insist in your follies. Our Kirk has no need of such spirits, especially at this tyme. You shall do well to be quyet, lest you fall in the hands of worse burrioes than I have been. I minde to die without remorse, for any thought or deed I have ever had or kythed to you, or any of the brethren. I returne you your owne letter to feed upon. Fareweell."

Mr Robert Boyd, who had been many years a Professor of Theologie, and a preacher at Salmure in France, and after his returne a Professor and Principall in the Colledge of Glasgow, was

* An evident allusion to Adamson, Archbishop of St Andrews.

† *Burrio*, an executioner.

admitted Principall in the Colledge of Edinburgh, in October 1622. The ministers of Edinburgh envyed him for his non-conformity, and the applause he had for his gifts, both in pulpits and schoolls. Bishop Spottiswood, at a conference with the ministers of Edinburgh, commending them for the harmony that was among them, (meaning their uniformity in conformity,) one of their number, Mr Andrew Ramsay, answered, "But there is one string out of tune." The Provost, Baillies and Counsell of the towne were challenged in December, by a letter from the King for admitting him, and were commanded to remove him if he conformed not. They entreated a courteour to deall for him; but the King, upon the last of January 1623, commanded them of new, to remove him, his wife and family out of the towne, unlesse he conformed totally. The King was not content that he was removed from his office, unlesse he were also removed out of the towne. So he was forced to quyt his place, and took his leave.

Upon the 23d of March 1624, the Counsell, Session and remanent citizens of the town of Edinburgh, convened according to the ancient custome, observed amongst them since the Reformation to remove jars and eyelists, before the receaving of the Communion. The ministers removed themselves according to the custome, that if any of the people had any thing to object against them, they might utter their mynds freely. John Dickson, merchant, alledged, that Mr William Forbesse, * affirmed in his doctrine that we and the Papists may be easily reconciled in many of the heads controverted betwixt us and them. John Fleeming, merchant, added, that he affirmed the Papists and we might be easily reconciled in many of the heads controverted, but especially in the head of justification. David Aikenhead and Mr John Hay, the town-clerk, alledged the place was impertinent to challenge them for their doctrine. James Cathkine, merchant and stationer, insisted that the order should be observed; that which was delivered publickly requyred a publick admonition. They usurped not

* Forbes was one of the Ministers of Edinburgh; and became first Bishop of the newly erected See of Edinburgh in 1633, but he died within three months of his nomination.

the power of jurisdiction over them, but only craved satisfaction for removing of offence. John Hamilton, apothecarie, desyred the judgment of the rest of the ministers might be had. This advice was followed and the rest were called in. They were not a little displeased that they were holden so long at the door. It was told them, what exception was taken at Mr William Forbesse doctrine, and their advice was craved how to deall in it. The honest men looked for their assistance, but they took it for a common cause; touch one and touch all; the people had no power to judge of their doctrine. It was answered by the honest men, They were bound to try the spirits; Christ's sheep should not follow the voice of strangers: they took not upon them to censure, but only craved their judgment how the matter should be tryed, and the person, if found guilty, censured. But the honest men could obtaine no good answer; such was their pryde and despite that any of their number should be called in question.

Then they went to another purpose. James Cathkine and John Mein, merchants, desyred the Communion might be celebrate after the old manner, that they might communicate altogether in love; and so the rent may be healed. But nothing could be obtained of the ministers but quarrelling, because they did not first admonish Mr Forbesse privately; whereunto answer was made as before.

The ministers, especially Mr William Forbesse and Mr Thomas Sydserfe, were vehement in their invectives against the people. Mr Struther, in a letter sent to the Bishop of St Andrews, laid the blame upon him, if they were trod under foot by the people. The rest of the ministers in their general letter to the Bishop, requested him to purchase from the King their dimission out of Edinburgh. This request imported a grievous complaint. In the mean tyme they never challenged Mr William Forbesse for his corrupt doctrine, nor craved tryall before the Presbytry or Synod, whereby they bewrayed great corruption.

Upon the last of Aprile, William Rigg, baillie, John Dickson, John Hamilton, Joseph Miller, advocat, John Mein, and William

Simpson, merchants, were charged every one of them severally by a macer to compear before the Lords of Counsell,—so many as the King had selected for their tryall. Every one of them was examined severally, and answered plainly and simply as the matter passed. The Bishop of St Andrews had a minute of interrogatories for every one that was to be examined, furnished, no doubt, by the ministers of Edinburgh, who understood best how to examine every one of them particularly. Because they had not receaved any libelled summonds, they were the readier to depone every one what was their own part. None of the Magistrates or Town Counsell who were ear-witnesses could improve any thing they deponed. William Rigg confessed more than he needed, forgetting that others had proponed the question concerning the celebration, because he was of that mynd himself.

Upon the 7th of June 1624, the King directed the above-named Counsellors to deprive William Rigg of his office, to fyne him in 50,000 pounds, to waird his person in Blacknesse Castle till the soume were payed, and after to confyne him in Orkney. When the Lords began to apprehend whereto such a preparative might tend, they thought good to bring the matter before the full Counsell; so they were all cited, except Joseph Millar, spared at the intercession of some friends, to compear before the Counsell the 10th of June. To prevent the sentence, William Rigg caused the Clerk to forme a bill, wherein he referred himself to the testimony of the ministers themselves, and others, who were present at that meeting, whether he uttered that which he had confessed doubtingly before. Whereupon the King's direction was mitigate upon the 10th of June, and he was ordained only to keep his owne house. In the mean tyme they absolve him from that for which the King wold have them to proceed against him to the rigor. John Dickson and William Sympson were ordained to enter in the jaill of Edinburgh; John Mein within the towne of Elgine; John Hamilton within the town of Aberdeen; for ryot and misdemeanour, forsooth! at that meeting, upon Tuesday the 23d of March. There behoved to be some colour.

Upon a complaint made by the Ministers of Edinburgh, that they could have no peace with the people, so long as other ministers, especially the deprived and silenced, resorted to the towne, and keept "private conventicles," as they called them; a charge was given and published, that none meet and conveen in any private house or place, to any preaching, exhortation, or any such religious exercises, except those of the familie, or their friends resorting to eat and lodge within the same; that they attempt not to impugne, by discourse or disputation, by word or writ, the true religion or lawfull discipline of the Kirk, approved and authorized by the lawes; or slander his Majesty by false suggestions, as if he persecuted the professors of the true religion. By the narrative of the charge it appeareth that it was penned by the Bishop of St Andrews; for it was alledged, in the narrative, that those who conveened abstained from hearing the Word preached; that their private meetings were many tymes at the ordinary hours, when their owne pastors were preaching in their parish kirk; that they assumed to their conventions the name of Congregation; of which imputations they might have easily cleared themselves.

The King rebuked the Lords of Secret Counsell for their lenity towards the citizens cited before them; commanded them to put in execution his will, and yet again to committ William Rigg to Blacknesse, and to deprive him of his office. Some of them dealt with the ministers of Edinburgh to entreat the Counsell and the Bishops for them, but could obtain nothing of them but a generall and fecklesse letter to the Bishop, because they wold not promise to communicat with them. They had great reason to refuse, because all the professors within the Kirk of Scotland were bound, by the Confession of Faith, to maintaine the order of administration which was receaved in this Kirk, when the Confession of Faith was first subscribed, and was still practised by two parts, at the least, of the congregations of Scotland, still opponeing to these novations.

Upon the 2d of July 1624, the Lords of Secret Counsell, to give the King contentment, directed a charge to William Rigg to

enter his person in waird in the Castle of Blacknesse, deprived him of his office of Bailliarie of Edinburgh, and declared him incapable hereafter of any office within the towne; which was a matter that touched the liberties of the towne. John Dickson was deprived of the office of an elder; William Sympson of the office of a deacon; and both declared incapable of these or any other offices in tyme coming; and were ordained to enter in the jaill of Edinburgh. John Mein was charged to enter in Elgine of Murray, the place of his confynement. John Hamilton obtained prorogations of his confynement three sundry tymes. The King still insisted upon the fyne of 50,000 pounds to be laid upon William Rigg, because he was informed that he was the chiefe ringleader of the non-conformitants in Edinburgh, and that he contributed liberally to the printing of books. John Hamilton was fyned, likewise, in 20,000 merks, but the Counsell was loath to exact the fynes.

The Ministers of Edinburgh wrought continually upon John Dickson and William Sympson, while they were in the jayle, till they obtained their promise to communicate; yet was not John Dickson set at liberty till he fell sick, and then was suffered only to keep his owne house.

A charge was proclaimed at the Crosse of Edinburgh, upon the 2d of August, that the Communion be celebrated in all the kirks of Edinburgh at Christmasse next, and that all persons, as well of the Privie Counsell, Session, Magistrates of Edinburgh, as others of the Commonalitie, be present, and communicate kneelling, with certification that his Majesty wold remove the Session, and all other Courts of Justice out of the said burgh. The wairding and confyneing of the persons above named; imposing great fynes upon some of them; the fear of removall of the Session, made the King conceave that all, some few excepted, wold conforme, and, if Edinburgh yeelded, [that] the rest of the countrey wold follow their example. Yet the number that resolved to stand out was greater than the King or his informers did apprehend.

It was ordained in the Counsell, upon the 20th of September,

That all burghs should be charged by proclamation to choose conforme men, or such as wold grant to conforme, to be Magistrates, under the pain of incurring the King's high displeasure.

John Hamilton and John Dickson were ordained, the first to enter, the other to re-enter, their persons in the jayle of Edinburgh, conforme to a letter directed from the King, but by information and advice, no doubt, of the Bishops and ministers here at home. Christmasse approaching, it behoved some to be made an example, to strick a terror in the hearts of others.

While these means were used for preparing the way for Christmasse Communion, the pest breaketh up, upon the 28th of November, in sundry houses in Edinburgh, to the great terror of the whole towne. The Lords of Counsell and Session meeting togither upon the last of November, resolved to rise, and continue the Session till the 8th of January. So the Christmasse Communion was not celebrated. John Hamilton and John Dickson, after they had been detained nineteen dayes in the jayle, were, upon their supplication, suffered to attend upon their families in the tyme of the plague; and John Mein returned from Elgin to visit his familie, about the beginning of January 1625. William Rigg, after he had been detained in waird in the Castle of Blacknesse half a year, obtained liberty to repaire to his owne house two myles distant from Edinburgh, to attend upon his owne affairs for the space of forty dayes, because of the pest. But before the forty dayes expyred, it pleased the Counsell to confyne him in his owne house in Fife.

The King, being disappointed of Christmasse Communion, through the breaking up of the pest, resolved to have the Communion celebrated at Easter, in Edinburgh, according to the Act of Perth, with great solemnitie.

Upon the 8th of January, the Lords of Session sat downe to keep Session, and so continued, till one of the Senators of the Colledge of Justice his servants fell sick, which the Senator himselfe apprehended to be the pest. But it was thought the advocates were idle, because the subjects resorted not to the burgh

for fear of infection, and, therefore, were willing to take hold of any occasion to depart off the towne.

Upon the 6th of March, sure report was brought hither from Court of the Marquesse of Hamilton's death. Upon the last of March, sure report was brought from Court, that King James had departed this life at Theobalds, upon the 27th of March. So, the Communion, which was to be celebrated within fourteen days after, that is, at Easter, was not celebrated with that solemnity which was intended. John Hamilton, and John Mein, had been ordained to enter into their confines; but the death of the King interveening betwixt and the tyme that they should have entered, stayed, and so an end was put to their trouble at this tyme. William Rigg was relieved of the fear he had of his fyne. John Dickson was set at libertie, and communicate with the kneellers, but at his departure had great remorse.

We were put in some esperance that King Charles wold redresse whatsoever enormities were committed in the government of the Kirk, and hearken to our grievances; but we found no alteration. The course of Conformity continued and advanced.

In Aprile following, after his Father's death, he willed the Bishop of St Andrews to go on in that good course wherein his Father had set him. He advertised his brethren, the remanent Bishops, to do the like, and to certify them, that it is his speciall will to have the order and lawes which were established concerning Church matters to be obeyed, as was decerned by his Father. Howbeit the Bishops shewed his letter to sundry, yet, because it was private, it was not thought sufficient to work dispair in the hearts of zealous professors. A publict Declaration of the King's will was thought requisit.

Therefore, upon the first of August nixt following, it was declared, by publict proclamation at the Crosse, "That whereas, some disconforme and averse persons from the present government of the Kirk, and contemners of his authority, by transgressing the orders established by Acts of Parliament, have travelled to perswade sundry subjects, that he intended to make

some alteration of the Kirk government, and Canons thereof, happily established by his dearest Father, and that he minded not any more to urge the observation of Acts concluded at Perth, and ratified in Parliament, to the intent, that all such false and foolish rumors may be suppressed, and the growth and progresse thereof may be prevented; that he was so farr from any purpose of innovation of the government of the Kirk, so happily established by his dearest Father, that if the same had not been already determined, he wold, with all his care, have advanced the same, as knowing it to be the only best government whereby a Christian Kirk can be well ruled in monarchies and kingdomes; and that he is resolved, so farr as the lawes do allow, to punish any person that dare seek to disturbe the peace of religion or present government."

In September following, a direction was sent downe from the King to the Counsell of Edinburgh, that none be chosen magistrates, but such as were conforme. By this means, a faction of conformitants in Edinburgh engrossed the government of the town in their own hands, or rather a faction of some few, taking the advantage against others worthier than themselves for their nonconformity. There was likewise a direction, that the former Declaration should be printed, and copies thereof affixed upon the Crosse, the Kirk doors and other places, that none pretend ignorance; which, notwithstanding, was not execute, nor yet needful, for his mynd was sufficiently known. Lords of Counsell, Lords of Session, Advocates and Clerks, were charged in the King's name, 26th July 1629, to communicat in the Chappell. They were not bound by law, seeing it was not their paroch kirks. Nixt, howbeit the Communion had been celebrate without offence, yet they were not bound, neither ought they to have communicate in the Chappell, in respect of other novations brought in without a law: and in that case they were not bound to communicate in their owne paroch kirks. Howbeit the Communion were celebrate in the purest forme, yet obedience was not given, but only by some few scandalous persons, that cared not what novation they coun-

tenance, nor regard that woe the Lord hath pronounced against those that offend his little ones. They offend thousands, and are ringleaders to a generall defection.

The Bishops and such of the Ministers as it pleased them to call for, consulted, from tyme to tyme, upon the Kirk rents and ministers' stipends. Now, whereas the revocation for settling of the tithes was in hands, they complained to the ministers, that some noblemen wold have had the titles to benefices abolished, as if by that means the Kirk wold have been undone. Therefore, some Bishops and some Ministers behoved to be sent up to his Majesty, to lay out the case to him; and those Commissioners they called, The Commissioners of the Kirk, or, The Clergie; whereas, they were neither Commissioners for the Kirk, nor for the whole Clergie, but for themselves, and such as had more care for the belly and the bannock, than of the purity of religion. We know the service of God should be entertained, and sufficient maintenance provided for such as serve in the Kirk of God; but we wish that the titles of benefices of Bishops, Abbotts, Priors, Provosts, Deans, Subdeans, Prebenders, Chanters, Subchanters, Parsons, Vicars, &c. were abolished; for they are but as lures to hawkes, allurements to unclean birds to seek to their old nests again. What reason is there that the minister of one Kirk should be stipendiarie, the minister of another titular to a benefice? Till Bishops that are but bastard office-bearers, and, for the present, plain usurpers, and all other idle and unnecessary office-bearers, be stripped naked of lands, possessions, tithes and other kirk rents, parsons and viccars brought within the compasse of proportionable stipends, conforme to the estate and condition of other ministers, there cannot be right order taken for providing mantainance sufficient for the necessary office-bearers. Farther, it was great presumption in the ministers meeting with the Bishops to take upon them that which belonged to a General Assembly; but the Bishops, unwilling to hear of Generall Assemblies, and lest the necessity of them should be seen, used these promiscuous and confused meetings, as if they had been equivalent to the Generall Assemblies, whenas they were nothing

like. By sending up Commissioners, partly Bishops, partly ministers, they wold insinuate to the King, that there was great harmony betwixt them and the ministers, and [that] the petitions proceeded not from them alone, but from the whole Clergie or the Kirk; yet, when they were seeking collection among the ministerie, for defraying the charges of their Commissioners, they were not answered according to their mind and expectation, notwithstanding of their pretences, that they were sent with articles against Papists, and for mantenance of ministers; for the better sort of the ministrie deemed, and not without just cause, that the Bishops, by that means, were entertaining agents at Court for their owne standing and the advancement of the course of Conformity; which might have been gathered by sundry directions from Court, after the return of their Commissioners.

At last they gave free libertie to the Presbyteries to send one or two Commissioners of their owne choise, as they pleased to convene with them. Whereupon the Presbyteries sent one or two Commissioners from all quarters, except out of the North, who conveened with the Bishop of Rosse in [Edinburgh,] 1628. The Archbishops absented themselves, that, in case matters succeeded not according to their wish, they might disapprove the meeting; and so they did after their dissolving. The sincerer sort of the ministery declared plainly, that they wold not acknowledge that meeting for an Assembly, ordinar or extraordinary. Mr Robert Scot, minister at Glasgow, was chosen by the ministers opposit to the present course, to be Commissioner for them to Court; Mr Patrick Lindsay, Bishop of Rosse, for the conformitants. The articles agreed upon were, 1. To deall for a lawfull mantenance of the ministry and plantation of kirks. 2. That petition be made for a lawfull Generall Assembly. 3. That petition be made for the ministers banished, deposed, and confyned, that they may be restored to their places, to the end they may be present if chosen Commissioners at that Assembly. 4. That none be troubled in their ministerie for non-conformity, nor intrants with subscriptions to articles till that Assembly. 5. That any brother, Presbyterie,

or society whatsoever, of the ministery, desirous to send up a petition or grievance to his Majesty, deliver the same to these Commissioners, under their hand, which they promised faithfully to delyver to his Majesty. It was agreed, that twenty shillings should be taken off every hunder merks or chalder of victuall of every Bishop's rent or minister's stipends within the kingdome, for a year, to defray their charges.

The sincerer sort wold rather have had Mr Alexander Henderson, minister at Leuchers, to be their Commissioner; but, by the promiscuous voting, the burden was laid upon the other. Yet the Bishops were not content with these articles, and seemed to be offended with the Bishop of Rosse. Rosse went up to Court without his conjunct Commissioner, and dealt as he pleased in Kirk affairs, or as he was directed by his fellows, the rest of the Bishops. The ministers were urged, notwithstanding, to pay the contribution, as if all things had been performed according to agreement. To move them, the Bishop of St Andrews, in his missives written to the Presbyteries of Fife, Angus, Strathern, &c., had these words, "If ye knew, or wold believe those that knew, his attendance at that tyme for the Church in Court, did more than we are able to requyt; for, had the adversaries prevailled in their designes at that tyme, we should not have knowne where now to find ourselves." How wold these words have been taken if a non-conform minister had written them? Yet many of the ministerie denyed the contribution.

What was the negotiation of the Commissioners sent up by them to Court, and how the ministery was abused who contributed to their charges, may be collected out of the Instructions presented by Mr John Maxwell to the Bishops, the 15th of January 1630.

INSTRUCTIONS FOR THE CLERGIE OF SCOTLAND ENTRUSTED TO MR JOHN MAXWELL THEIR COMMISSIONER.

CHARLES REX.

"That they use the Marquesse of Huntly, and the Earles of Angus, Nithsdale, Abercorne with discretion, endeavouring by

fair means to reclame them to the professed religion, and not to processe them till first his Majesty be acquainted therewith. If any of them give any offence by their insolent carriage or contempt, that his Majesty be acquanted therewith, who will not suffer the least wrong nor contempt of that kind.

"That the Archbishop of St Andrews consider of the deduction of the processe of excommunication against one Patrick Dickson, servant to the Earle of Angus, seeing his Majesty is informed that the processe is not lawfully deduced.

"That Noblemen's wives who are Popishly affected, be not excommunicat, providing always that their husbands be answerable to the Counsell and Clergie, that they shall not receive Jesuites, or [Papists in their company,] or be served with such; and that their ladies shall give no publick scandall, but admitt conference with such as, by the Church, shall be appointed for that effect.

"Given at his Majestie's Court of Whitehall, 6th of November 1629.

W. ALEXANDER."

One of the Bishops said to such as he pleased, that he had seen the day when there was not a minister in Scotland durst, for his hanging, bring downe such articles; but he spoke only like a counterfeit; for, within half a year after, he, with the first, directed the same man to Court, and entrusted him with their affaires. He was knowne to be Popish, and they knew very well he had great credit with Bishop Laud, by whose moyen he was preferred afterward to the Bishoprick of Rosse.

When the celebration of the Communion was approaching in Edinburgh, at Easter 1628, motion was made by some of the four Sessions, that it might be celebrate, as it was wont to be celebrate before Perth Assembly; whereupon the ministers entered in capitulation with some of their flock most averse from conformity to the new guise. They craved yeelding in some points, and offered them liberty to sitt or stand, and take out of the minister's hand; which they offered before. But the people refused to make

any bargain or composition in the matters of God. They wold not quyt the distribution among themselves, lett be countenance the kneellers in the act of kneelling. And, therefore, Mr Struther acknowledged there could be no sound peace or healing of the rent, till the least scruple or hair were sweeped to the door. In end, they were content to send up a Supplication to the King for a dispensation and liberty to celebrate after the wonted forme. But it was thought meeter by the honest citizens, with whom they dealt, and by many others also, first to celebrate after the old form, and, thereafter, if his Majesty were offended to entreat his favour,—for their supplication would but irritate his Majesty; that they should seek a dispensation with his lawes: but the ministers assured them, that they knew a remedy which wold ding out the bottome of it, in case his Majesty send down a harsh answer. The remedy was to lay downe their ministery; which they never intended.

It came to passe, as was deemed by such as were judicious, that the King sent downe a harsh answer, rebuking, or rather threatening them for such a supplication. It was thought the ministers had taken this course not of sincerity, but to lay the blame and burden upon the King. They stayed for that year from the celebration of the Communion, because the people were incensed, being disappointed of their hopes. In their supplication they present to his Majesty the lamentable face of the Kirk of Edinburgh, where they were pastors; that many thousands of their flock do not communicate with them, and of such as do communicate few do kneell; that, notwithstanding of their lenitie and discretion to quench the fyre of that schisme, they find it more and more augmented,—so that it is impossible for them any longer to endure these combustions: And, therefore, they desyred his Majesty wold dispense with their obedience to the act of kneelling, that they may condescend to the weaknesse of their flock, and so may have a comfortable and fruitfull ministerie in communicating with so good and peaceable a people, who (except this particular) are disposed for all loyallty and dutifulnesse.

This supplication was dated and subscribed by all the ministers of Edinburgh, upon the 3d of Aprile 1628.

In their instructions given to the bearer and presenter, a worthy gentleman, Mr William Livingstoun, * they desyre him to represent to his Majesty, that yearly they find fewer communicants, and of the communicants fewer conforme themselves in kneeling; which was an argument of a growing and not of a decaying division. If his Majesty object that possibly lenity is the cause why so many withdrew themselves from their Communion, to informe him, that their great number procured their immunity. Among other pitifull effects of the schisme, to informe his Majesty, that these are most manifest, 1. Pastor publickly enveigheth against pastor, and people carry mutuall grudge and hatred against other, whereby their doctrine is made fruitlesse. 2. Atheists increase, thinking all religion to be nothing but a matter of changeable opinion and indifferencie. 3. Papists seeing us in that gesture, having some externall symbolizing with them, are thereby confirmed in their errors, as though our practice were an approaching to them, and an ingresse to their idolatrie and bread-worship. Mr Sydserff, after he had subscribed, thought he had overseen himselfe, and wished this third point had been omitted; which he bewrayed by the scraping with his naill. In end, they desyre the presenter, in case his Majesty take hardly with their supplication, to represent to his Majesty, in all humility, what will be the dangerous estate of their Kirk, if their supplication shall work trouble to weak ones instead of peace.

That which was feared came to passe; and the nixt year they returned to their former course, and some of them became more violent than before, namely, Mr Thomas Sydserff, Mr John Maxwell, Mr David Mitchell, † who were Popishly affected, and spared

* Minister of Lanark.

† All three, in the course of time, were advanced to Episcopall dignities; Thomas Sydserff became Bishop of Galloway in 1634; Dr John Maxwell, Bishop of Ross in 1633; and David Mitchell, (but not till after the Restoration of Charles,) Bishop of Aberdeen.

not to vent Arminianisme and Poperie publickly in the pulpits, and indirectly to carp at the doctrine delivered by their colleague, Mr William Struther. Whereupon Mr William relented in that wherein they were most vehement, that is, the urgeing of the Ceremonies and the people to communicate; perceaving that the intention of those Popish preachers was to increase the schisme, to augment the fyre, and put all in a combustion, that they might, with the greater ease and liberty, vent their erroneous doctrine, and seduce the people: yet willingly wold he have embraced a fatt Bishoprick at that very time.

THE GRIEVANCES OF THE MINISTERS AND OTHER PROFESSORS, GIVEN IN BY SOME IN THEIR NAME TO HIS MAJESTY, OR TO THE ESTATES.

Soon after King Charles had entered into his reigne, some ministers, fearing that his declaration proceeded from misinformation, and not from his owne disposition, were carefull to have him rightly informed of the lamentable estate of our Kirk; and employed such as had great credit to present these Grievances following, or the like, at sundry occasions, not differing in substance:—

"His Majestie's most loveing and loyall Subjects, the Pastors and other Professors within his Highnesse's Kingdome of Scotland, are heavily Grieved,—

"That some Pastors, after commission granted to ministers to vote in Parliament in the name of the Kirk, not without opposition of the better sort, fearing Episcopall tyrranny to ensue thereupon, as it was offered, have violently violated the Cautions or conditions prescribed by the Generall Assembly, to keep the Commissioner votter in Parliament from corruption. The Caveats are these following, for their entrie: That the Generall Assembly should present to his Majestie six ministers, out of which number his Majesty might make choice of one to any vacant place; and so forth, as ye have them set downe before.

" That, notwithstanding of these Caveats, they rested not till the name of Commissioners was changed with a higher title; and they styled Lords, one of Orkney, another of Murray, the third of Caithnesse, and so forth.

" That to obtain ratification and consent of other Estates in Parliament, they consented to the erection of Abbacies and Priories in Temporall Lordships; and so not only the rent of the Crowne, so farr as it was aided by the collectorie, is impared, Kirks and Schoolls impoverished, but also place to vote in Parliament, in name of the Kirk, made void to a number; for it was appointed that there should be fifty-one ministers votters in Parliament, according to the number of Abbots, Priors, and Bishops of old.

" That they procured that the Generall Assemblies, which before were holden yearly, should be prorogate from tyme to tyme, till at last, no definite tyme being indicted, the liberty granted by the laws may be frustrated, and made void in tyme comeing, lest they should be made countable for the breaches of the Caveats made, or to be made.

" That not being content with the titles and benefices of Bishopricks, they encroached, against their own protestations, promise, and the Caveats foresaid, upon the jurisdiction ecclesiasticall; first, in acquyring at a Convention of ministers, not authorized with commission from Presbyteries, a perpetuall precedencie, or moderatorship in the Presbyteries where they were ministers; nixt, in usurping perpetuall precedencie in Synodall Assemblies; and, thirdly, in accepting, or, rather, procuring power and commission from his Majestie against their owne promise to fyne, confyne, decerne upon suspension, deposition, deprivation of ministers, and excommunication of whatsoever subjects.

" That when they were come to be Lords in Parliament, Counsell, and Convention of Estates, Barrons, and Spirituall Lords, Patrons of Benefices, Moderators of Presbyteries, Commissioners in the High Commission, they procured an Assembly to be convocat, which neither was nor could be free, in respect of this their

grandeour: and, in this Assembly, (the worthiest of the ministerie being either confyned or banished,) they obtained that Presbyteries might not execute the censures of the Kirk, admitt or deprive ministers without their consent; that neither Presbyteries nor Synods might choose Moderators but such as they should impose; that Synods should not assemble but when it pleased them to appoint.

"That howbeit that Assemblies, convocated and dressed at their owne pleasure, had no intention to admitt them to the office of a Bishop, yet they, not being content with this alterable power committed to them by that Assembly, sent some of their number to England, to be consecrat to the very office of a Bishop, which had been before damned by our Kirk, that by vertue of that office, and not by any power derived from the Assembly, they might exerce what was granted unto them. These being consecrat, consecrated the rest.

"That being thus consecrated, they deserted their owne particular flocks, and have ever since exercised, not only that power which was, by fraud and terror, acquyred at that their own Assembly, but also a plenarie power and charge over the whole diocie.

"That hereupon they grant liberty to solemnize marriages without asking of banns; they urge intrants to the ministerie to subscrive seven dangerous articles which were never concluded in any Assembly; they admitt intrants to the order of priesthood in their owne chappells, or nearest kirk to their residence, and not in the presence of the congregation where they should serve, or, it may be, never serve; they admitt not, nor deprive ministers, with consent of the ministers of the bounds where the intrant is to be planted, or the delinquent is to be punished, even contrary to the Acts of their own Assembly.

"That Generall Assemblies being so rarely convocat, and only at their pleasure or procurement, the weightie affairs of the Kirk, treated in Parliaments or Conventions, are turned into their hands, and disponed upon at their arbitriment and pleasure; so that, with-

out danger and offence, the just grievances of the Kirk, and their humble petitions can neither be presented to our dread Soveraigne, his Highnesse's Parliament, or Convention of Estates; whereas before it was ordinarie, that whensoever the Kirk had to do, the Generall Assembly conveened for such matters as occurred for the tyme. Nixt, they rule over the Kirk without controlment for want of those Assemblies.

"That howbeit the Generall Assembly should be convocat, yet can they not be free, so long as they continue in this grandeour, sit as ordinary members not authorised with commission, and overruling them, as experience hath taught us.

"That Synodall Assemblies, which were wont to assemble twice in the year, are now prorogat at their pleasure; others are oftentymes substitute in their place to be Moderators, and, when they are present themselves, they do not so much moderat and gather voices as domineer. For some (as Glasgow) have said, 'Ye may pype as ye will, I will dance as I please.' Others, (as St Andrews,) 'If there were but ten here I wold make an act.' Slight tryall of ministers and Presbyteries is used; conformity is urged; and other weighty affairs are neglected.

"That they disdaine to sit with their brethren in Presbyteries, to exercise the gift of prophecie by course; that the processes of Presbyteries against offenders are condemned, or frustrated by appellation to the Bishop, or staying upon his determination, who, if he can be won by the offendar, their processe is cutt short; whereby the censures of the Kirk are contemned, and scandalous offences are multiplyed.

"That they have removed worthy men of the Ministerie from their calling, for no other cause but refusall of Conformitie to some Ceremonies unknown till of late to our Kirk, and suffer ministers following their course, and leaning to their protection, to lye under the foull scandalls of drunkennesse and harlotrie.

"That intrant ministers, who formerly receaved their places without all suspicion of mercenarie dealling, enter now at great coast, by soumes of money given to them, their sons, or their ser-

vants, for presentations, collations, testimonialls of ordination, or admission, to their great hurt.

" That they intrude Ministers into vacant places without respect of proportion betwixt the gifts of the intrant and the greatnesse of the cure, and oftentymes against the will of the people over whom he is sett, and of the brethren to whose fellowship he is adjoined.

" That they admitt such to be Ministers as are either not well qualified for want of literature, or profane and light in their conversation; respecting more the favour of suiters, or their owne commoditie, than the weell of the flocks.

" That they place corrupt Professors in Universities, and Preachers in the most eminent congregations, who infect the hearers with Arminianisme.

" That they flatter such as follow them in the course of Conformitie; and such as will not follow, but adhere to their former laudable profession, they disgrace with the odious name of Puritanisme, misinforme his Majesty, disquiet the Kirk which they found in peace, and chopp at the pillars of his Majesties standing—the favour of God and the love of his best subjects.

" That Papists increase under their Government, and are emboldened through their connivence or negligence, contemning inferior ministers.

" That they have alienated and sold the Patronages of some kirks annexed to their Bishopricks, and set tacks without consent of the Assemblies, and have obtained an Act of Parliament to set the ward lands of the Kirk in tack ward, whereby they purchase great soumes to themselves, and prejudge their successors of their usuall commodity receaved at the entry of tenents.

" That whereas before the Testaments of the defunct were at easie rates, proportionable to the poor condition of the parties, now the prices are raised to a great height, and rigorously exacted.

" That when constant Stipends were last modified, they consented to the union of sundry kirks, and took soums of money for the same from such as had interest.

" That albeit they have taken themselves to the charge of many

Congregations in a diocie, yet some of them are non-residents, as the Bishop of Caithnesse residing in the south Border, at Jedburgh, his diocie lying in the farthest north; the Bishop of Dunkelden, at St Madoes; Dumblane, at Holyroodhouse; Rosse, at Downe beside Dundee; Galloway, at Leith, and so forth.

"That they call Ministers before the High Commission *prima instantia*, before ever they be heard either in Presbyteries or Synods for non-conformity to any idle ceremony, and punish them either civilly, ecclesiastically, or both wayes, as they think good.

"That laying aside all necessary duties, as hospitality, support of the poor schollers and other indigent persons, and reparation of common works, they imploy the rents of their Bishopricks upon lands to their sons, and high marriages to their daughters.

"That by needlesse travelling and pastymes on the Lord's Dayes, contrary to the lawes of God and the countrey, the Sabbath and Service of God is brought in contempt through the evil example of some of them, namely, the Bishop of St Andrews: other scandalls we omitt.

"Strange visitations from the hand of God, great alterations in the estates of men, and not only hard but bad successe in our most hopefull enterprises, have ever wairned us of the abuses. If they were corrected and speedily amended, as they have brought universally great distresse, their removall might soon turn our mourning into joy, and our grievances into hearty gratulations."

Whether any of them that were imployed presented these, or others like these, not different in substance, as they were delyvered by the Ministers to them, as diverse persons were imployed upon sundrie occasions, we are not certain, but so farr as some of them have affirmed, that they were presented and read by his Majesty. But certain we are, that no effect followed; no redresse of any of those enormities, whereat the godly were grieved.

The Ministers, dispairing to effectuate any good by dealling privatly by any particular persons, essayed *publict* means as occasion offered, in tyme of the Convention of the Three Estates, *July 1630.*

By their procurement these Grievances following were urged by some noblemen, Rothesse, Cassills, Seaforth, Yester, Rosse, Balmerinoch, Melvine, Lowdoun, &c.

GENERAL GRIEVANCES TO THE CONSCIENCES OF A GREAT MANY OF HIS MAJESTIE'S SUBJECTS IN THIS KINGDOME, GIVEN IN TO THE CONVENTION OF ESTATES, JULY AND AUGUST 1630.

"Since it hath pleased God to blesse the simple forme of divine Worship allowed by the laws of this countrey, whereby the happy Reformation of religion was established among us, free of the pomp of Ceremonies, with peace and purity of doctrine, it is the humble desire of a great many of his Majestie's subjects, seeing these late Ceremonies brought in upon the Kirk of Scotland were urged no otherwayes but upon assurance of freedome and liberty to all good Christians to practise them as things indifferent, which both his Majesty of blessed memory, and his Majestie's Commissioners in Parliament and Assembly did publickly professe, That the Estates assembled in this present Convention would be pleased to supplicat his Sacred Majesty for allowance of that liberty to pastours and their congregations.

"And for this effect, that congregations may not be frustrated of a comfortable ministery, his Majesty would also be petitioned, that worthie and well qualified men be not urged at their entry with any oaths or subscriptions, which are not allowed by the expresse ordinance of the Generall Assembly.

"And finally, since his Majesty is graciously pleased to pardon his good subjects all their bygone offences, that of his Royall favour he would also be intreated for the distressed Ministers of this kingdom, that they may be restored to their former liberties and stations for the free exercise of their ministerie."

The Noblemen intreated the Estates to concurre with them in petitioning; whereunto they were very willing. But five or six chief Councellers and Court Lords opposed to the reading of the Grievances, and refused flatly that they should be read; for they

understood before what was the effect of their petition. No doubt they were privie to the King's mind, and were assured that the petition would offend his Majestie. So, howbeit offer was made to hear the grievances of the people; yet when the greatest grievance was to be proponed, it was prevented, (fyve or six lords overruling the whole Estates); which passed not without challenge, but ended without any tumult. It was alledged, That it was more proper to propone those grievances in tyme of Parliament, which was only a shift; for both the tymes were pertinent. And the King in his Articles offered to hear the grievances of the people, before he made mention of the taxation. Because it was alledged, that it was more proper for ministers to propone such grievances than for the Estates, as if the Estates should be carelesse of the Kirk and their owne souls, it was thought good, that a grievance should be given in, in name of the laick patrons, for their interest in the admission and deprivation of ministers. The Grievances were given in by my Lord Balmerinoch the 3d of August 1630, for himself and in name of other laick patrons.

"That albeit in the Act of Parliament made in October 1612, the forme of the oath which ministers should give at the time of their admission be expressly sett downe; yet against the tenor of the said Act of Parliament there is a new form of oath, with certain articles devised and urged upon intrant ministers, whereby the entry to the ministry is shut and closed to the best qualified men, presented by the patrone, accepted by the people, and willing to enter into that function, if they refuse that new forme of oath; and thereby others less able are obtruded upon the people.

"By the same Act it is ordained, That in deprivation and suspension of ministers, the Bishop shall associat to himselfe the ministers of these bounds where the delinquent serveth, and there shall take tryall of the fault whereof he is challenged, and accordingly proceed to the deprivation or suspension. Yet neverthelesse against the Act of Parliament, and contrary to the order thereof, ministers are deprived and suspended without any tryall taken by the Bishop, with the concourse of the ministers of the bounds."

The equity of this grievance was worthily mantained and cleared by the presenter, my Lord of Balmerinoch, assisted by the Noblemen above named; and indeed it is to no purpose to any patrone to present, if, after the person is presented, the Bishop may debarre him for not swearing or subscribing what he thinks good; or, after he is admitted, if he may suspend or deprive the person presented by him either in the High Commission, or any other way than according to the laws. Yet this grievance was opposed, as the former, by the same Lords; howbeit they understood the body of the Convention was bent to vote in favours of the presenter, or rather, of the Kirk of God sore oppressed with the tyrrany of the lawlesse Prelates, debarring, intruding and extruding ministers as they pleased.

The Ministers standing for the purity of religion in doctrine, discipline and worship, having essayed sundry means, but in vain, to have his Majesty informed, thought it necessary to take hold of the opportunity of his coming to his native country to receave a crowne, and to hold his first Parliament, at which times Kings use to be gracious, yea, most gracious to all their supplicants; and prepared some articles to present to the King and Estates in Parliament. It was ordained, in the year 1594, That four of each Estate should conveen twenty days before the Parliament, to consider the articles and petitions which are to be given in, that such as were reasonable and necessary might be put in forme and presented to the Lords of Articles, in tyme of Parliament, and all improper, frivolous and impertinent matters might be rejected. But it was not then, nor since determined, who should make choise of the persons. Yet was not this order observed; but intimation was made by proclamation upon the 16th of May, that all such persons as intend to give in any articles or petitions to the approaching Parliament, give in the same to the Clerk of Register, betwixt and the first day of June, to be presented by him to such of the Estates and Counsell as should be appointed to hear and consider the same. Yet those ministers, fearing otherwayes not to be heard, appointed one of their distressed brethren to present their petitions to him;

which he did upon the 29th of May, and took instruments in the hands of a nottar, of the presenting and receaving of the same, lest the Clerk should have afterward denyed either the one or the other. That the equitie of the Grievances may be considered by any indifferent and judicious Reader, I have here inserted them in their full tenor.

"GRIEVANCES AND PETITIONS CONCERNING THE DISORDERED ESTATE OF THE REFORMED KIRK WITHIN THIS REALME OF SCOTLAND, presented upon the 29th day of May 1633, by me, MR THOMAS HOGG, Minister of the Evangell, in myne own name, and in the name of others of the Ministery likewise grieved, to SIR JOHN HAY, CLERK OF REGISTER, to be presented by him to such as ought (according to the order appointed) consider them, that thereafter they may be presented to his MAJESTIE and ESTATES which are to be assembled at the nixt ensueing PARLIAMENT.

"The opportunity of this solemne meeting of your gracious Majesty and the honourable Estates, conveened in this High Court of Parliament, and the conscience of our duty to God and the Reformed Kirk within this realme of Scotland, where we serve by our ministerie, constraine us to present in all humility to your Highnesse and Estates presently assembled, these our just grievances and reasonable petitions following:—

"1. Albeit vote in Parliament was not absolutely granted to ministers provided to prelacies, but only upon such conditions as his Highness of happy memory, and the Generall Assemblies of the Kirk should agree upon, which is evident by the remitt and provision expressed in the Act of Parliament holden at Edinburgh in December 1597: And albeit, the manner of their election and admission to the office of Commissioners, and the particular conditions and cautions to be observed by ministers, votters in Parliament, in name of the Kirk, after long disputation, were agreed upon by his Majesty present in person, and the Generall Assembly,

and were appointed by them to be insert in the body of the Act of Parliament, which was to be made concerning that purpose; some ministers, notwithstanding, have been, and are admitted to vote in Parliament in name of the Kirk, as absolutely as if the Act of Parliament did containe no such reference, and as if his Majesty, with the Generall Assembly, had not agreed upon their election and admission to that office, or upon any limitation: Whereby the Kirk has sustained great hurt and prejudice in her liberties and priviledges, and especially by their frequent transgressing the first of the conditions, although grounded upon the very law of nature and nations—That nothing be proponed by them in Parliament, Counsell or Convention, in name of the Kirk, without expresse warrant and direction from the Kirk, under the pain of deposition from their office; neither shall they keep silence, nor consent in any of the said Conventions to any thing that may be prejudiciall to the liberty and weell of the Kirk, under the said pain: And the second, That they shall be bound at every Generall Assembly, to give account anent the discharge of their Commission since the Assembly preceeding, and shall submitt themselves to their censure, and stand to their determination whatsoever without appellation, and shall seek and obtain ratification of their doings at the said Assembly, under the pain of infamie and excommunication: Therefore our humble Supplication is, that the execution of the Acts of Parliament of matters belonging to the Kirk, to which they have voted in name of the Kirk, without any authority or allowance from the Generall Assemblies of the Kirk, be suspended till the Kirk be heard, and that, in tyme coming, ministers have no otherwise vote in Parliament, but according to the provision of the Act of Parliament, and the order of their entrie to the office of that commissionarie, and limitation foresaid agreed upon, as said is.

"2. Seeing ratifications of Acts and Constitutions of the Kirk cannot be construed to be a benefit or favour to the Kirk, unlesse the ratifications passe according to the meaning of the Kirk, and the tenor of the said Acts and Constitutions, without omission, addi-

tion, or alteration of clauses, articles, or words of importance; and that in the ratification of the Act of the Assembly holden at Glasgow, *anno* 1610, which past in the Parliament holden 1612, under the name of explanation, sundry clauses and articles were omitted, as the subjection of Bishops in all things concerning their life, conversation, office and benefice, to the censure of the Generall Assembly,—the censure of Bishops, in caise they stay the censure of excommunication,—the continueing of the exercise of doctrine weekly,—the necessity of the testificat,—and assistance of the ministerie of the bounds, for the admission of ministers; and other clauses and articles are added and insert, as the different degrees of Archbishops and Bishops, the power of giving collation of benefices granted to Bishops, the disponeing of benefices falling in their hands *jure devoluto*, the appointing of Moderators in Diocesian Synods, in case of their absence, and some words of the oath are changed: by all which omissions, additions, and alterations, the Kirk hath sustained, and doth sustaine great hurt in her jurisdiction and discipline: Our humble desyre therefore is, that the Kirk may be liberate from the prejudice of these omissions, additions, and alterations of the Act foresaid.

" 3. Notwithstanding the Generall Assemblies have been holden from the tyme of the Reformation till the year 1603, at least once in the year, and oftner, *pro re nata;* Provinciall Synods twice in the year; weekly meetings for exercises, and Presbyteries every week, for matters to be treated in them *respective*, and their liberties were ratified in Parliament, *anno* 1592—and by that as a most powerfull mean, blessed be God! peace and purity of religion were maintained: And in the Assembly holden at Glasgow 1610, their Commissioners, voters in Parliament, provided to Prelacies, were made lyable to the censures of the Generall Assemblies—it was acknowledged, that the necessity of the Kirk craved that there should be yearly Generall Assemblies; and the ministerie were then assured, that that liberty wold be granted upon their request, whereby they were induced to condescend so farr to the Act then made, as they did; which Act also beareth, in the very

entrie thereof, a request to his Majesty, that Generall Assemblies may be holden in all tyme coming, once in the year, or precisely at a set and certain tyme: Neverthelesse, the wonted liberty of holding Generall Assemblies is suppressed; the order of the Provinciall Synods confounded; Presbyteries in a great part disordered and neglected, whereby divisions have entered into the Kirk; ministers are become negligent in their callings, and scandalous in their lives; the godly are heavily grieved; the weak scandalized; erroneous doctrine is delivered in kirks and schools without controlment; the Commissioners, voters in Parliament, lye untryed and uncensured; and Atheisme and Poperie increase: Our humble desire is, therefore, that the Acts of Parliament made in favours of the Assemblies of the Kirk, and especially the Act of Parliament holden at Edinburgh in June 1592, be revived in this present Parliament.

"4. Notwithstanding the observation of festivall days, private Baptisme, private Communion, Episcopall confirmation of children, have been rejected by this our Reformed Kirk, since the beginning of the Reformation; and it hath been declared by Act of Parliament 1567, that such only were to be acknowledged members of this Reformed Kirk, as did participate of the Sacraments as they were then rightly ministered, which was without kneelling, in the act of receaving the Sacramentall Elements of the Supper, or immediately dispensing the same to every Communicant by the minister; and that it was statute and ordained in the same Parliament, that all Kings should give their oath at their coronation, to maintain their religion then professed, and that forme of the ministration of the Sacraments which then was used: Neverthelesse, pastors and people, adhereing to their former profession and practice, are nicknamed Puritans, and threatened not only without any good warrant, but beside the tenor of the Act of Perth Assembly, which containeth no strict injunction, and, contrary to the meaning of the voters, and to the proceedings of that Assembly, where it was professed that none should be pressed with obedience to that Act. Therefore we humbly intreat, that by ratification of

the Acts of Parliament made before that Assembly, and by such wayes as shall seem good to your gracious Majesty, and honourable Estates assembled, your Majestie's good people, pastors, and professors, may both be purged from such foull aspersions, and may be freed from all dangers and fears which may occur by occasion of that Act of Perth.

" 5. Albeit it be determined by the Generall Assemblies of this our Reformed Kirk, what oaths ministers should take at the tyme of their admission or ordination, yet there is a new forme of oath devised and urged by the admitters or ordainers upon intrants to the ministrie, togither with subscription to certain articles devised by them, without direction and warrant from any Assembly of the Kirk, yea, or Act of Parliament, whereby the entry to the ministerie is shut upon the best qualified, and others lesse able are obtruded upon the people, to their great grief and hazard of their souls : Our humble petition therefore is, that all such oathes and subscriptions, urged upon ministers at their entrie or transplantation, may be discharged. *

" 6. Notwithstanding there be constitutions of the Kirk, and lawes of the countrey for censuring of ministers before the ordinary judicatories ecclesiasticall, yet, contrary to their order, ministers are suspended, silenced and deprived, and that for matters meerly ecclesiasticall, before other judicatories, which are not established by the authority or order of the countrey and Kirk : Therefore our humble petition is, that ministers deserving censure be no otherwayes censured than the order of the Kirk does prescrive; and that such as are otherwayes displaced, be suffered to serve in the ministerie as before." .

The presenter attended in Edinburgh to compear, if need were, before such as should have conveened according to the proclamation ; but there was no appearance of any such Convention. We

* A part of the document is here omitted, for which see Row's History, pp. 360, 361, Wodrow Society edition. In the old printed copy of the Grievances, dated 1635, Article 5 corresponds with the above text.

heard that only four or five Officers of Estates consulted apart togither; but upon what, we know not.

Because it was provided by the said Act 1594, that howsoever the Convention of four of each Estate might reject what they thought frivolous and impertinent, yet his Majesty may alwayes present such articles as he thinks good concerning himself for the weell of the realme; the ministers directed their brother abovenamed, to present to his Majesty their supplication; which he did upon the 15th day of June 1633, in the castle of Dalkeith, that day that he was to make his entrie into Edinburgh. The King read it at length, and seemed nowayes to be displeased; but after some conference betwixt the Earle of Morton and him, the Earle came to the presenter, and asked at him what was his name, and parted from him with these words, "I wish you had chosen another place than this house for the presenting of your Supplication:" whereby it seemed, then, that the King was not content to have seen it. Let the indifferent Reader judge upon the Supplication, if there be in it a word or syllable to offend.

"This happie occasion, with strong desires long waited for by us, your Majestie's most loving and humble subjects, the pastors and professors of the Reformed Religion within this your Majestie's kingdome of Scotland: The great fame which hath often filled our ears, of your Majestie's most pious and princely inclination to religion and righteousnesse, whence this Kirk and kingdome, from their singular interest in your Majestie's birth and baptisme, have reason to look at this tyme for a comfortable influence, the body of this kingdome in heart joineing with us, and only waiting for the least word from your Majestie's mouth: The conscience which we have, and which, we trust, is manifest to all men, that we are seeking neither riches nor honor to ourselves, but that the summe and substance of our desires is, to procure the advancement of the kingdome of Jesus Christ, and to see your Majestie's flourishing estate in your kingdomes: All these and each of them move us to entreat, in all humility, your gracious Majesty to be favourable to our petitions, which we have delivered to the Clerk of

Register, to be presented to your Majesty and the Estates at the approaching Parliament, that they may be considered, and receave a gracious answer."

Because there went rumours of novations intended and to be established in Parliament, these ministers laid open to sundrie of the nobility, gentrie and burgesses their fears, and desired them to consider what rent and division hath entered into the Kirk by ratification of Acts of Assemblies controverted among the ministrie, or rather reputed null in themselves; how division increaseth by ratification of former Acts of Parliament, confirming the constitutions of those Assemblies: and therefore desyred that all such ratification should be suspended, till there be a free Generall Assembly to compose the controversies of the Kirk, or till both parties be heard in face of Parliament; and, namely, the ratification of the Act of Parliament 1612, ratifieing the Act of Glasgow 1610; the Act of Parliament 1621, ratifying the Act of Perth Assembly 1618; and, for the same reason, the ratification of the Assembly holden at Aberdeen 1616, and consequently, of the new Confession of Faith, Catechisme, Service-book, Canons for Discipline, or any other novations which may be brought in under the colour of that Assembly. Because it was feared that the High Commission may be authorised, they were informed that it hath been and wold be the more prejudiciall to the ordinarie judicatories, and bring the Kirk under great thraldome; that thereby power is given to ministers to censure their brethren against the order of the Kirk, and in causes wherein they may be both judge and partie; that thereby ministers take power to fyne, confyne, imprison, &c., which is nowayes pertinent to the ministers of the gospell; how that this long tyme the Kirk hath been holden in slavery by that Court, notwithstanding the Act of Parliament 1584 hath discharged all jurisdictions and judgments not approved by Parliament. Because it was intended, and yet still is intended, that moe ministers have place in Parliament, as titular Abbots, Priors, &c., to make up the number of fifty-one votters, they were desyred to consider how dangerous it were both for Kirk and Commonwealth, if that Estate

were strengthened with such a number, and how great a wrong it is to the Kirk to admitt any moe, till the ministers already admitted to vote be brought within the compasse and under the obedience of the conditions agreed upon by the King and the Generall Assembly, according to the provision of the Act of Parliament 1597; and so much the rather, because it was more than manifest what harme the Kirk had sustained by their unbounded and uncontrollable proceedings. Because it was feared that the Bishops, with some ministers, their adherents, wold propone articles and petitions as directed from the Kirk, they were desired to consider that it was proper to the Generall Assembly to propone articles and petitions to the Parliament in name of the Kirk, and it hath been their custome to conveen before Parliament, and in their meetings to agree upon matters to be proponed, and to appoint Commissioners to present the same; whereby it was evident that no Commissioners from Conventions of Bishops and ministers, were their number never so great, should be admitted without authority of the said Assembly, especially in a tyme when they have procured the Generall Assembly to be interrupted, and the liberty of the Kirk to indict Assemblies ratified by Acts of Parliament, to be made of no force. Because it was to be feared that an new translation of the Psalmes in Meeter was to be imposed, they were desired to consider, that the Psalmes in Meeter, allowed by the Kirk of Scotland, and usually sung since the Reformation, cannot be altered by inferior Assemblies of the Kirk, or particular persons; neither can it be remitted or committed to Synods, Presbyteries, or certain selected persons, till there be a free General Assembly.

Little good was to be looked for, for the satisfaction of the ministers amongst the Lords of the Articles, when the Bishops made choise of the noblemen, of which some were Papists, and eight Bishops were nominat to the nobility by the Chancellour. The noblemen were desired by some statesmen not to oppose to such Commissioners of Barrons and Burgesses, as the King had given them in list, and such were chosen for the most part, and with this

number the Officers of Estate were to sit. After they had sitten two or three dayes, some of their number informed their acquaintance, that two articles had past amongst them: One concerning habits to be enjoined to churchmen by the King; another concerning the ratification of all Acts made before in favour of the Church, which, consequently, was a ratification of the Act of Perth, and other Acts made for the settling and advancement of the estate of Bishops. Two Noblemen, two Barrons, two Burgesses, purposed to present to the King a petition in their own name, and in name of many other Noblemen, Barrons, and Burgesses, to supplicate that the late novations brought in into our Kirk, with assurance of freedome and indifferencie of practice from the Commissioners, both in the Assembly and Parliament, authorized by his Majestie's father, may, by his Majestie's publick declaration in Parliament, have no other strength nor execution hereafter, and that Pastors and Professors may be freed from the fear of any further novations, lest, if either the burden of many inconveniences already felt, by urgeing the former, remaine on them, or the honest hearts of his loyall subjects be overcharged with farther, this his native kingdome be left in heavinesse. But they, being certified by such as tryed his minde, and shewed him a coppie of this petition, that he wold sett himselfe against them, they desisted, and reserved themselves to the Parliament.

Nothing may come in publick to be voted in Parliament, but that which is approved by the Lords of the Articles, nor to be reasoned and voted amongst the Lords of the Articles, which is suppressed by the Lords of the Grievances, conveened before the sitting downe of the Parliament, according to our order. So the Ministers Grievances were suppressed.

The Noblemen, Barrons and Burgesses, had no space granted to them, after the rising of the Lords of the Articles, to advise upon other conclusions, but behoved to give their advice, and vote after the reading of them in publict, upon the last day of the Parliament, which was the 28th of June. When the Earle of Rothesse craved, that the article concerning Apparell might be

severed from the Act concerning the King's Royall Prerogative, because some might consent to the one who wold not consent to the other, it was refused; and, therefore, many of the nobility, gentrie and burgesses, voted against the Act, as it was conceaved conjunctly, howbeit the Act was carryed by plurality of votes, whereof some that were present doubt much to this hour. When the Act concerning the ratification of the liberties of the Kirk, and Acts made in favour of religion, were read, it was asked by the Earle of Rothesse, If there was no Act to be excepted, or if the Act of Perth might be excepted? It was answered, That no exception was to be made: whereupon all the persons almost who voted against the former Act, disassented also from this generall ratification. The assenters for the most part were Noblemen, no representative persons of any corporation; Bishops usurping a representation of the ministrie, who ought not to have had voice at all in Parliament, lett be to vote in their owne cause; Officers of Estate and some of them voteing twice, once as noblemen, and again as Officers of Estate; some Englishmen who have not a foot-breadth of land in Scotland; some noblemen who had no other means whereby to recover their ruinous estates; sundry Lords and Viscounts seeking to be created Earles. Such as dissented were assaulted sundry wayes, either in private by their friends, parents, or near kinsman. Some of them had promises made to them before, to be dignified with the titles of Earles, but were delayed till after the Parliament. The King's inclination and pleasure was very well knowne to all the members of the Parliament, and yet, notwithstanding, they uttered their disassent freely: yea, some of the assenters have consented since the rising of the Parliament, that they voted for fear of the King's displeasure. The King taking pen and paper in hand, in the tyme of the voteing, was a sufficient ground of apprehending fear.

The ratification of the Act 1609 doth not concerne surplice or any other superstitious vesture, to be used in tyme of divine service, but of the habits of clergymen, to be used either in the streets or in the Kirk, or in their journeyes and wayfareing; for

no more was ratified than was injoyned by the Act, *anno* 1609, and only that part which concerned the habit of the kirkmen. But the intent of that Act was not to give the King power to injoyne surplice, or any superstitious vesture, as the judicious Reader may easily perceave in the reading of the Act. That Act determined that preachers should wear black; it was not then left to the King to impose white, but only the forme of their apparell. By that Act, ministers are ordained to provide themselves of the apparell to be prescribed, according to their estate and moyen. Ministers were never burdened for provideing to themselves surplices or the like vestures, but were provided at the charge of the parochiners, as may be seen in the decrees of the Popish Counsells, and late Constitutions of the Kirk of England. If the words of the Act may be extended to the surplice, it may be extended also to all the rest of the priest's masse vestiments; for there is no word in the Act to import the surplice more than the rest. It is likely that surplices were aimed at before the Bishops were armed with the power of the High Commission, or the power they pretend committed to them by the Assembly of Glasgow. The meaning, then, of these words of the Act of Ratification, "to be used and worne at the tymes, and in the manner expressed in the said Act," is nothing else but that they shall use such formes and fashions at different tymes, and in different places, as shall be prescribed to them; because one forme and fashion will not be convenient and commodious for them at all tymes, and in all places, in the kirk, in the streets, in their journeyes. Therefore in the late Constitutions of the Kirk of England, confirmed by King James, it is prescribed what gowns they shall wear in the streets; what cloathes in their journeyes; what in private houses and studies; what graduates shall wear in tyme of prayer, preaching and ministration of the sacraments agreeable to their degrees; what ministers who are not graduat shall wear. And yet they had reason to vote against the Act. The sight of capes and surplices in the Chappell, the Abbey Kirk, and the Great Kirk before, gave them just cause to apprehend the worst. Nixt it seemeth an injury done

to ministers, that forms of habit should be imposed upon them without their owne advice and consent, at the pleasure of the Prince. What if he shall command them to be conforme in their habits to Popish Priests, or to wear hoods and bells? Thirdly, What reason was there to grant that power to the King and his successors, and so to make it a royal prerogative; which was granted to King James only, for his incomparable wisdome and great experience, as the Act 1609 beareth. Fourthly, That Act, so farr as it concerned judges, magistrates, &c. was not renewed and ratified. Only poor ministers are left to be ordered in their habits, at the pleasure of Princes.

By the Act of ratification of the Act of former Acts of Parliament, made in favour of the Kirk, the Articles of Perth Assembly cannot be urged; for no ratification can be pretended to be made in favours of the Kirk or religion presently professed, if it bind with pains and penalties [that] which the Kirk hath left free, and whereanent that pretended Assembly gave only counsell and advice. The Act of Glasgow 1610, as it is ratified in Parliament, cannot be called ane Act ratified in favours of the Kirk; because the most important clauses are omitted, and others added, and so it is another Act, and not the Act of the Kirk. Many Acts were made without the knowledge or consent of any Generall Assembly, which is the only representative Kirk within this realme, to whose censure the Bishops themselves are lyable. Sundry Acts have been made contrary to the Acts of the Kirk, as Election of Bishops by Deans and Chapters; which forme of election hath been condemned by our Kirk in purer tymes, and free Assemblies, togither with the office itselfe of a Dean. Some Acts have been ratified, notwithstanding ministers have protested against them. And sometymes ministers have been charged to depart out of the towne where the Parliament did sitt, and were not heard when they wold have opposed. Can any such Acts be said to be made in favours of the Kirk and religion presently professed? Can such Acts be pretended to be ratified in favours of the Kirk and religion presently professed, when the whole bodie of the professors, scarce the tenth part

excepted, are averse from the observation of the same? On the contrary, if all Acts made truly in favours of the Kirk be ratified, then the Act concerning the King's Oath at his Coronation, often ratified, and many others Acts not yet abrogate, which were made at the instant desyre of the Kirk, are ratified; of which number there are sundrie mentioned in the first Act of Parliament 1581, and sundrie others since. But how are these put in execution, and why was not the Act concerning the King's oath at his Coronation often ratified, not put to execution at the last Parliament?

FINIS.

# CERTAINE RECORDS

TOUCHING THE

# ESTATE OF THE CHURCH OF SCOTLAND,

SINCE THE REFORMATION OF RELIGION
THEREIN, TILL THE PARLIAMENT
HOLDEN AT PERTH,
ANNO 1606.

WRITTEN BE THAT FAITHFULL SERVANT AND
WITNES OF CHRIST, MR JOHN FORBES.

# CERTAINE RECORDS

TOUCHING THE

# ESTATE OF THE CHURCH OF SCOTLAND.

## THE FIRST BOOKE.

### CAP. I.

THE HAPPIE ESTATE OF THE CHURCH OF SCOTLAND, AFTER THE REFORMATION OF RELIGION.

It is not long since the Lord, who worketh all things efter the good pleasour of his own will, did in mercie visit this kingdome of Scotland, translating it into the kingdome of his dear Son, and delyvering it from the power of darknes, both in sic measour and maner, as no natioun under heaven ever enjoyed the presence of God in greatter glory, so universallie with such libertie, with such a blissing, the whole kingdome being purged from oppen idolatrie, superstition, and humane inventions, and utterlie freed from the tyranie of that man of sinn, who long had keiped it in a miserable bondage of the mynd: So that not only did the light of the Gospell, in the puritie and trueth of doctrine, prevaill to the subdewing therof to the obedience of faith, that God might be worshipped in spirit and trueth, according to his will revealled in his Word, but allso to the establishing of that only lawfull, decent, and comly forme and ordour of government in the house of God, prescryved be Christ and practised be his Apostles, with the utter overthrow of all antichristian hierarchie, lordly preheminence amongst pastors,

Popishe government, and wholl image of the beast, that justlie might this natioun have sung a new song of praises unto the Lord, confessing that he had not dealt so with every natioun, no not with any since the beginning. Beside this, for the farder comfort of his Kirk, it pleased the Lord, in this tyme of grace and light, to bring into the world our gracious Soveraigne King James, who, in the mercie of God, reigneth presentlie, as a chyld of light, being brought foorth in the light, and nourished in the bossome of his Kirk, with the sinceir milk of the Word, appoynted and prepaired so of God, a meitt defendar of his natioun, saveing trueth, and a fitt nourishing father to his Church, (Esa. 60,) by just recompence: who, as before he had beine fed on her breasts with that food that nourishes his soull unto eternall lyfe; so againe to make her, as his mother, to reap that promissed blissing, in causeing her to suck of his breasts protectioun, prosperitie, and peace. In performing of whilk dewtie (knowing that the Lord hath appoynted Kings to minister to his Church, and that the natioun and kingdome that will not serve her sall perishe,) his Majestie did show himselff so fordward, as nothing was left by him or any wayes omitted that, in a Prince so blessed of God, could be requyred, in so far, that not only in his Majestie's minor age, under Regents, governours, bot speciallie efter the takeing of the reignment and government in his own hands, and in his perfyte aige, both the trueth of doctrine, sinceritie of ordour and government, and all the priviledges, freedome, and immunities of the trew Kirk of God, speciallie in the spirituall jurisdiction therof, according as they have been in practise since reformation of religion in this kingdome, have beine oft and diverse tymes explained, ratified, and confirmed, and all contrarie, both doctrine, and discipline, and jurisdiction, expresslie disallowed and discharged; as, namelie, in the 1st Parliament, Acts 1, 2, 3, 4, 5, 6, wherin at length is contained the substance of doctrine, and description of the trew Kirk; in the 2d Parl. Act 2; and in the 3d Parl. Act 46, 47; in the 5th Parl. Act 1; in the 6th Parl. Act 1, 2; in the 7th Parl. Act 1; in the 11th Parl. Act 2; in the 12th Parl. Act 1; in the 13th Parl. Act 2;

in the 14th Parl. Act 2; in the 15th Parl. Act 1. And for the farder manifestation of his Majestie's fervent zeall to the glory of God and advancement of the kingdome of Christ, the Buik of Discipline observed in this kingdome, penned be the Kirk, efter long and mature deliberation, being presented to his Majesty and his Privie Counsall the zeir of God 1578, was, by his Hienes graciouslie accepted, and approven, and ordained to be registrat in the buikes of the Assembly Generall; whilk therefter was done in the Generall Assembly halden at Glasgow in the month of Apryll 1581, with the consent and approbatione of the Laird of Caprentoun, his Majestie's Commissioner; wher likwayes was presented, be Mr Craig, his Majestie's minister, and the said Laird of Caprentoun, in his Majestie's name, that notable Confessioun of Faith, called the King's Confession, efter that the Estaite of Bishopes was utterlie abolished at the Assembly at Dundee, the zeir preceiding 1580; in the whilk Confession, besyd the rest of antichristian errors, that Romish hierarchie is utterlie abjured, and the government then present of the Reformed Kirk in this land, and discipline therof, approved, imbraced, subscryved, and sworn to, be his Majesty's selff, as willing, not only by law to authorise, but also, by practise in his Hienes's own persone, to perswade obedience to the Kirk of God, according to his Word, in all his Majesty's subjects; whilk Confessioun was, by his Majesty's publick authoritie, universallie imbraced, sworn and subscryved be his Majesty's Nobillitie, Household, and whole Estaites of this land; by the whilk they all remaine most straitlie obleidged under no less paine then the danger, both of bodie and soull, in the day of God's fearfull judgment, to continue in the obedience both of the doctrine and discipline of this Kirk, and to defend the same, according to their vocatioun and power, all the dayes of ther lyves, according as, in the said Confessioun, is expresslie contained. And, for the farther promoving of the kingdome of God, and lawfull jurisdiction of the Kirk in his Majesty's dominions, his Hienes did send to the said Assemblie at Glasgow, with his forsaid Commissioner, a Platt of the Presbitries to be established through the whole realme, com-

manding Commissioners to be directed from the said Assembly to concurr with sic as [his] Majesty sould appoynt for planting of the saids Presbitries in every province of the kingdome; whilk was accordinglie done. And least any man sould be ignorant what is the Jurisdiction Ecclesiastick, and ordour of government so solemnly imbraced, his Majesty hes particularlie defined the same, first in the year 1579, 6 Parl. Act 2, declairing it to consist in the preaching of the trew word of Jesus Christ, correction of maners, and administration of the Holy Sacraments, and ordained therin that no uther Ecclesiasticall Jurisdiction be acknowledged within this realme than that whilk then was and sould be within the said Kirk, whilk then was, be the favour of God, in the said kingdome, in respect, as in the said Act is contained, his Majestie and Estaites did declair ther was no uther face of Kirk nor uther face of religion then was presentlie then established within this realme. Bot most amply and clearlie the said jurisdistion, in all the severall Assembllies therof, als weill particular of every congregation, of moe in one Presbitrie, of particular provinces, of the Generall Assembllies of the wholle land, are both defyned and ratified in the first act of his Majestie's 12 Parl. the 1592; in the whilk the Generall Assembllies appoynted be the Kirk are ratified, and it declaired to be lawfull to the Kirk, and ministers, every zeir at least and ofter, *pro re nata*, as occasion and necessitie sall requyre, to hauld and keip Generall Assemblies, provyding that his Majestie, or his Commissioners with them to be appoynted be his Hicnes, being present at ilk Generall Assembly, befor the dissolving therof, nominat and appoynt tyme and place when and wher the nixt Generall Assembly shall be halden; and in caice neither his Majesty nor his Commissioner beis present for the tyme in that town, where the said Generall Assembly beis halden, then and in that caice, it sall be lawfull for the said Generall Assembly be themselffes, to nominat and appoynt the tyme and place where the nixt General Assembly of the Kirk sall be keiped and halden, as they have beine in use to do thir tymes bypast.

## CAP. II.

### THE FIRST BEGINNING OF THE DECAY IN THE GOVERNMENT AND JURISDICTION ECCLESIASTICK.

Thus for a long space by the fordward zeall and rair pietie of so excellent a Prince, and by the faithfull labours and diligent watchfullnes of uncorrupt pastours, the work of God did prosper, and grow to such perfection, as the Kirk of God in this land might justlie have beine called the Lord's delight, the place whilk he loved more than all the habitations of Jacob, and the very praise of the world: whilk Sathan greatly envying, did ever endeavour, both with head and taill, to interrupt, yet to no great effect, the Lord still so rulleing the heart of the King, and guyding and holding the starres in his right hand, that neither heresie nor schisme did enter the House of God for the space allmost of [fifty] zeires; notwithstanding, that the enemies of the trueth, the locusts sent out of the smoke of that bottomles pitt be their King Abaddon, did greatly labour, both to pervert the trueth, and turne his Majesty's heart from the trew profession thereof; so that about the 1584, by oft suggestion of subtill flatterers, and godles Atheists, his Majesty was maid something to mislyke that lawfull ordour of government of God's House so established be his Word, and practissed of his Apostlles, received in this land, ratified be law, imbraced, subscryved, and sworne in most solemne manner by covenant, with the living God be his Majestie, and haill Estaites of the kingdome, as only lawfull and righteous, allowed of God; and was brought to esteime more of that lordlie domination of Bishops. The mean used as most meit to work this perswasion in his Majestie's heart was this, That there could be nothing so contrair to the nature of a monarchie, and more dangerous to the peace, and prejudiciall to the dignitie of his Royall Estaite, than that paritie of authoritie in pastours. And so dispairing to change his Majesty's mynd from the trueth of Doctrine, they subtillie did steall away his heart from the sinceritie of Discipline, whilk,

hitherto, had beine the cheife stay and bulwark both of the Kirk and religion.

Heirupon, in the 1584 year foresaid, followed that first and great eclypse of the beautie and comlines of order, by continuall practise observed in the zeirlie Assemblies of the Kirk (once at least) from the 20th of December 1560 unto the 1584; procured not only by sic secular persones, as then through the iniquitie of tyme overrulled all, bot greatly promoved be sic in the Kirk as had imbraced this present world, speciallie Mr Patrick Adamson, Bishop of St Andrews, and David Cunynghame, Bishope of Aberdeine, Montgomrie, Bishop of Glasgow, who, (as the confession of the said Mr Patrick Adamsone, penned by himself and subscribed with his owne hand, given in to the Synod of Fyfe, and efterward printed, does witnes,) declaires, that being moved pairtlie through ambition and vain glorie, to be preferred to their brethreine, and pairtlie for covetousnes, did undertake the office of Bishoprick.

At this tyme, the cheiff men and principall stoupes, both of Kirk and Commonwealth being forced to forsake the land, divers lawes were maid in prejudice of the Kirk of God, to stay their Assembllies without his Majesty's licence obtained to that effect; whilk hitherto had beine keiped upon the warrand that Christ hes given to his Kirk, to conveine without any licence, sought or given to the magistrat uther nor the approven common consuetude, every Assembly on the end designing tyme and place for the nixt, according to the Buik of Discipline: As allso, to bring the judgment of all matters, als weill ecclesiastick as civill, in to his Majesty, and his Counsell, and to establishe Bishops, and uther Commissioners constitute be his Majesty, judges in ecclesiasticall causes. These foresaid Bishops, speciallie Adamsone, laboured, (as his confession in print bears,) to subject the kirkmen unto the King's ordinance, in things of conscience and matters ecclesiasticall; teaching allso the Presbitries to be ane foolishe invention. And for the farder suretie of the Estaite of Bishopes, the said David Cunynghame, be advyse of the said Adamsone, (as his confession bears,) did rent out some leaffes out of the Buikes of the Assembllies, and destroyed

sic things as maid against their Estaite; and divers Acts wer urged to be subscryved be all ministers, contrair to the lawfull authoritie and free jurisdiction of the Kirk. In this estait of tyme, was that Act amongst the rest maid, whilk is the first in the 8 Parl. halden at Edinburgh, the 22d of Maii 1584, wherin his Majesty, his aires and successors, be themselffes, and their Counsellers, are statute judges competent to all persones in all matters; and wherin it is ordained, that none presume to declyne his Majesty's or his Counsell's judgment, under the paine of treasoun.

What wonder, "seeing in many things we sinn all," (Ja. 3,) allthough in such a tyme his Majesty sould have beine brought to such things, being so much provoked therto by these who albeit preachours themselffes, yet were so farr blinded as the foresaid Confession beares, that they beleived the government* of the Kirk to be lyke into the kingdoms of the earth, (plaine contrair to the command of our Master, Christ,) and the monarchie of the Kirk whereby it is governed, not to be only in Christ our Saviour, the only Head, Lord and King of Saints, set over Syon for ever, bot in the ministers who are nothing bot vassalls under him in ane equallitie among themselffes.

## CAP. III.

### THE RESTAURATION OF THE KIRK TO HER WONTED LIBERTIE IN THE TREWEST GOVERNMENT.

Yet did not the Lord suffer his Majesty long to be carryed with the flood of iniquitie whilk then overflowed, nor his Kirk to lye under that bondage; bot in his justice removed the wicked instruments, and in mercy restored both Kirk and Comonwealth to their wounted integritie; so that in the yeir 1590 his Majesty, considering all things more deiply, did cause againe publishe the former Confession of Faith, with ane chairge to every pastour under paine of tinsell of fourtie pound,* that should not cause publishe it

* "Upon the paine of loosing four pound of his stipend." Gibson's MS.

of new, togither with ane generall Band to be sworn and subscryved to of all men. And in the zeir 1591, the cheif author of the former disorder, Mr Patrick Adamson, who had been excommunicated 1589, being humblled be the hand of God, was brought to a willing recantation of all his errors, and compelled to justifie the King, in confessing himselff to be the author of the buik called "The Declaration of the King's Majestie's Intention," and that it contained nothing of the King's own Intention, bot of his own at the tyme of the wrytting thereof, and the corrupt intentions of such as, for the tyme, wer about the King and abused his minoritie; confessing plainlie, that in that wholl buik is contained nothing bot assertions of lies, ascryving to the King's Majesty that whereof he was not culpablle; and condemning that pairt of the Declaration wherein soveraigne and supream power is said to appertaine to the King's Majesty in matters Ecclesiasticall, as ane thing unworthie to be contained among Christian acts,—and that uther pairts touching Presbitries and Bishops, acknowledging plainlie, the one to be authorized be Christ and warranted be his Word, Matt. xviii., so that, albeit the Acts of Parliament did forbid it, the Kirk sould rather obey God nor man,—and the uther, to wit, Bishops to have no warrand of the Word of God, bot to be grounded upon the policie and inventions of men, and worthy to be disallowed and condemned as impertinent to the office of a sinceir pastour of God's Word, and the cheif caus whilk these fyve hundreth yeirs bypast, hath, in every country, suppressed the Word of God; and therfor, he condemneth his own Commentare upon the 1st of Paull's Epistles to Timothie, becaus it tends to allow of the Estait of Bishops, utherwayes then God's Word can suffer; and doeth confesse himselff to have bein the author of the Act dischairging the ministers stipends that did not subscryve to the acts maid at that tyme, 1584, and that he was more bussie with some Bishops of England to the prejudice of the discipline of this Kirk, pairtlie whill he was ther, and pairtlie by mutuall intelligence, then becam a good Christian, meiklle less a faithfull pastour. Yea his Majestie did, moreover, give sufficient proof of his innocencie,

*anno* 1592, wherein be Act of Parliament he restored the Kirk to her full libertie of Jurisdiction in all matters and causses Ecclesiasticall; ratified and approved the Generall Assemblies thereof to be holden, once at least, every zeir; Synodall and Provinciall Assemblies to be halden twyse every zeir, in every province of the realme; and allso, the Presbitries and particular Sessions appoynted be the said Kirk, with the wholle jurisdiction and discipline of the same Kirk, aggreed upon be his Majestie in a conference had with the ministers to that effect; the speciall articlles wherof are mentioned in the said Act. Heir first began his Majesty, or his Commissioner, to have vote with the Assemblie in the nomination of tyme and place of the nixt Assemblie, according to the provision of the said Act in caice of ther presence.

Moreover, in the said Act, his Majestie abrogates, cassis, and anulles all Acts maid for maintenance of superstition and idollatrie, and all lawes and statutes maid at any tyme befor the day and dait therof, against the libertie of the trew Kirk, jurisdiction and discipline therof, as the same is used and exercysed within this realme; and speciallie declaires that the forsaid Act, being the threteenth Act of the Parliament halden at Edinbrough the 22d of Maii 1584, sall no wayes be prejudiciall, nor derogate any thing to the priviledge that God hes given to the Spirituall office-bearers in the Kirk concerning heads of religion, matters of heresie, excommunication, collation, or deprivation of ministers, or ony sicklyk essentiall censures, speciallie groundit, and having warrand of the Word of God; and utterlie abrogats the Act of the said Parliament halden at Edinbrough the said 1584, granting commission to Bishops and uther judges constitute in Ecclesiasticall causses, to resave presentations to benefices and give collation theron, and to put ordour to all causses Ecclesiasticall; and declaires the same to be expyred in the selff, to be null in tyme coming, and of none availl, force, nor effect: And speciallie ordaines all presentations to benefices to be directed to the particular Presbitries in all tyme coming, with full power to give collation therupon, and to put ordour to all matters and causses Ecclesiasticall within their bounds, according to the

discipline of the Kirk; and decernes and declaires the forsaid Assemblies, Generall and Provinciall, Presbitries and Sessions, jurisdiction and discipline thereof, mentioned in the said Act, to be in all tyme coming most just, good and godlie in the selff, notwithstanding of whatsoever Acts, canon, civill, or municipall lawes maid in the contrair. And thereafter, in the Parliament halden at Edinbrough 1593, the 21st of Julii, in the Act 160, his Majestie again confirmes and establishes both the jurisdiction and the judicatours of the Kirk in the Generall and Synodall Assemblies, Presbitries, and particular Sessions of every kirk and paroche; willing and ordaining their sentences and decreits, in matters pertaining to their judicatory, to be put in execution, and tak full effect, and the contempners therof and obstinate persons to be put to the horne.

Thus did his Majesty sufficientlie witnes what conscience his Hienes maid of that covenant, whilk he himselff had maid, and had caused all his subjects make with the Lord, and what reverence he carryed in his heart toward that great and glorious name of the Lord his God, makeing it evident to all men that his Majesty (as the forsaid Mr Patrick Adamson affirmeth) was not culpablle of these things whilk wer ascryved to his Majesty, bot that the sonnes of Servia were too strong for him till God did remove them.

## CAP. IV.

### THE SECOND BREAK AND BEGINNING OF THE PRESENT DECAY OF THE LIBERTIE, JURISDICTION AND DISCIPLINE OF THE KIRK OF SCOTLAND.

When the work of God did thus greatly prosper and his Kirk floorishe, the Lord only wyse who knowes that ease slayeth the foolishe, and that long peace, without the crosse, breids coldnes in his worship, and who will have offences and schismes to fall out for trying of such as are approved in his Kirk, did suffer Sathan

again to employ his craft and malice against the prosperous estaite of his saints. For about the zeir 1595 ane great emulation and jealousie, being secreitly fostered in the hearts of many, bot speciallie of those who wer nearest his Majestie's person, against ane Octoverat, or eight Privie Counsellors, then croppen in the full credit with his Majestie of all his effaires; and therupon that tumultuous uproare, craftillie raised the said 1595 zeir in December 17, occasion was taken heirof be the cheiffest of that Octoverat, who were ever Papists in their hearts, and knowen enemies from ther beginning (as yet still they continew) to the trueth of God and his trew servands, to intend the utter overthrow of the gospell and libertie of religion. For effectuating whereof, purposlie miskening the trew authors of that trouble, they subtillie did insinuat and foster in his Majestie's mynd ane evill conceit and oppinion of the ministers, speciallie of Edinbrough, as authors of the said commotion, and as seditious and turbulent men, seiking no less then his Majestie's overthrow, as he himselff, at the Assemblie haulden therefter at Bruntiland, did utter, saying, That he could not esteem himselff sure of his persone so long as these ministers sould remaine in Edinbrough. And, for remeiding of that evill, they did still perswade, that ther was no way so sure as to alter the government of the Kirk from that Democratie, (as they called it,) whilk allwayes behoved to be full of sedition and troublle to ane Aristocratie, and so in end to a Monarchie, whilk allwayes was least subject to confusion, broylles and sedition: the accomplishing wherof they did very forwardlie promise to the King, if his Majestie sould procuire the absolute removeing of those ministers of Edinbrough, the faithfull servands of God, and famous for ther knowen sinceritie, wisdom, learning, godliness and fruitfull labours in the house of God; whilk, notwithstanding, at that tyme could not be procured, God so clearing and bringing to light their innocencie, that by no craft, colour, nor policie of their adversaries, could any guiltines be found in them.

Wherfor that purpose not succeiding, they went about another way to finishe ther designes, composeing a buik, be the labour

speciallie of Mr John Lindsay then Lord Secretarie, called "The (King's) Questions to be proponed be his Majestie to the Generall Assemblie," thinking thereby to bring the wholle discipline in question. For answering whereof his Majestie, by his missive letters, did convocat ane Assemblie at Perth the first of March the zeir 1596.

Heir first did his Majestie alter the ordinarie dyet and place of the Assemblie of the Kirk; for in the Assemblie halden at Edinbrough the 23d of Mairch, in the zeir 1595, the next Assemblie was appoynted to hald in Saint Andrewes the 27th of Apryll 1597. Bot his Majestie, be his missives, both altered the place and preveined the tyme. The Kirk, in respect of the tym and course then in hand, greatly fearing this to tend to sum farder prejudice, albeit, for obedience of his Majestie, they assemblled at Perth, yet hardlie could be brought to condiscend to violat ther order in acknowledging or consenting that that meiting should be repute ane Ordinar Assemblie; so that two days were spent in debaiting that matter, whilk his Majestie instantlie urged, that sic things as should be therein concludit might have the full strength of the Ecclesiasticall statutes and lawes of the Kirk. So that the ministrie,—being requyred by Sir John Cokburn of Ormestoun knyght, Lord Justice-Clark, and Mr Edward Bruce, Commendator of Culross, his Majestie's Commissioners, to declair if they wer ane lawfull Generall Assemblie of the Kirk, and had sufficient power be themselffes to give answer, treat and conclude upon sic things as wer to be proponed and intreated in this present Convention, according to his Majestie's warrand and missive letters direct to them be his Hienes to this same effect,—finding themselffes on every syde pressed with difficulties, as being in danger to be denunceit to the horne, or imprissoned for unlawfull convention and assemblling of themselffes, if they denyed themselffes ane lawfull Assemblie; and, on the uther pairt, if they granted that, they wer to be urged with many things prejudiciall to the libertie of the Kirk of God and of the gospell of Christ, wherunto, in respect of the tyme, they behoved either to yield or incur his Majestie's far-

der displeasour; at length, efter long deliberation, did return this answer to his Majestie, that their meiting was ane lawfull Extraordinar Generall Assemblie, be reason of his Majestie's letter direct to the Presbitries and Provincialls to that effect, and the Presbitries and Provincialls commissions given to them to meitt in the town of Perth; and, therfor, wer willing to hear what his Majestie sould propone, and to treat, conclude, and give answer theranent, conform to the commissions with the whilk they wer authorized be the Presbitries and Synodall Assemblies. Heirupon his Majestie, for promoving the cheiff poynt wherat he aymed, did delay the proponing of all his Questions to ane better opportunitie, making choyse of threttein articlles to be resolved at that tyme: the first wherof was, That it sould not be thoght unlawfull, neither to the Prince nor any of the pastours, at any tyme therefter, to move doubts, reason, or crave reformation in any poynts of the externall pollicie, and government or discipline of the Kirk, that are not essentiall concerning salvation, or is not answered *affirmative vel negative* be any expresse pairt of the Scripture. Heirby was sought ane libertie to call the wholl present jurisdiction and ordour of the Kirk in question, that the intendit change might the mor easillie be effectuat. Yet heirunto did the ministrie accord in matters of externall government, alterable according to circumstances, provyding that it wer done in the Generall Assemblie, in right tym and place *animo ædificandi, non tentandi.*

The 9th article was, That no Meittings nor Conventions sould be among the pastours without his Majestie's knowledge and consent, excepting allwayes their ordinarie Sessions, Presbitries and Synods; whilk lykwayes was aggried to with this addition, That besyde Sessions, Presbitries and Synods, ther meittings in visitation of kirks, admission and deprivation of ministers, taking up feids, and sic uthers as hes not bein found fault with be his Majestie, sould be excepted allso. In these two things was sought, Both that the meittings of the Kirk, heirtofore frie and authorized be law as ordained of God, sould be maid subject to the Prince's pleasour, and that be tyme the Kirk sould be depryved of Gene-

rall Assemblies, whilk in this article wer suppressed, as suppossed to be comprysed under Synods.

The 10th article was, That in all the principall townes ministers sould not be chossen without the consent of their own flock, and of his Majestie, and that ordour to be begun presentlie, in the planting of Edinburgh. The first pairt heirof was yeildit; the last, touching Edinbrough, was past in silence unanswered, knowing that this article was purposly sought for procuiring the removing of Mr Robert Bruce, and the rest of the ministers of Edinbrough from that flock, who, for the present, in respect of the violent persuit made of their lives be the Lords forsaid, were compelled, be advyse of their flock, to withdraw themselffes from the present furie, and to lye in secreit till that storme sould cease; who, for this cause, wer denunced to the horne, allbeit they allways offered themselffes to ane unsuspect tryall of the lawes, anent the uproar raised the 17th of December; upon the whilk occasion the saids Lords, and for the same purpose, had allso caused his Majestie tak the Town of Edinbrough bound and obleidged, befor he sould resave them into his favour, to resaive nor make choyse of no minister bot sik as his Majestie sould appoynt them.

The 12th article was, That seven or eight of discreit, wyse ministers sould be authorized with commission to reason upon the rest of the Questions as opportunitie of tyme sould serve: for the whilk ther were fourtein appoynted be the Assemblie, ordaining them to report their oppinion and advyse touching the said Questions to the nixt Generall Assemblie. Thus did his Majestie lay the foundation of Episcopall government, by making preparation thereto by the like number of Commissioners as their fore-runners.

At this Assemblie his Majestie, intending farder to bring the haill outward ordour and government to depend upon his pleasour, befor the conclusion of these articles, did send to the Assemblie, willing them to repair to the place wher his Hienes, with the Estaits, were presentlie sittand, there to confer anent the foresaid articlles. They, for obedience to his Majestie, resorted to the

Counsell, and, befor any reasoning, made Protestation as followes:— "SIR, Forsameiklle as we are cum hither to testifie unto your Majestie our obedience, and to hear what sall be proponed to us be your Hienes, in all reverence we protest, that this our meitting be not esteimed as though we maid ourselves ane Assemblie with the Estaites, or yit does submitt any matter ecclesiasticall, either concerning Doctrine or Discipline, to this judicatour; * but efter we have conferred and reasoned with your Majestie anent the articlles proponed to us, we must returne to the ordinary place of our Assemblie, ther to reason, voit and resolve in all these poynts according to the Word of God and good conscience. And this our protestation we maist humbllie desyr may be admitted and insyrt in your Majestie's Buikes of Counsell, for eschewing inconvenients that heirefter may aryse." This protestation was ratified, registrat, and confirmed be his Majestie, and farther, is registered in the Bookes of the Assemblie. Heir again, at his Majestie's desyr, the Assembly ordinar is appoynted to hauld at Dundee, the tenth day of Maii 1597; and so both tyme and place changed at his Majestie's pleasour.

## CAP. V.

### THE INDEAVOUR OF THE KIRK TO PRESERVE THE DISCIPLINE FROM THE CREIPING IN [OF] CORRUPTIONS, AND CONTRAIR DRESSINGS OF THE ADVERSARIES.

At this great alteration the Kirk, justlie fearing that whilk more and more daylie did cum on, did use all lawfull meanes to preserve their estaite in als great integritie as could be. Therfor Mr Robert Pont, Moderatour of the Assemblie haulden at Edinbroughe the 23d of Mairch 1595, for maintenance of the Kirk's libertie, did pass to Saint Andrews, accompanyed with Mr John Hall, (now one of the greattest enemies to the libertie of Christ his kingdome,) and upon the 5th day of Apryll 1597, appoynted

* "This present Convention." Gibson's MS.

in the forsaid Assemblie at Edinbroughe for the nixt, did fence the Assemblie, and ordourlie continued it to the tenth of Maii at Dundie, according to the appoyntment of the extraordinary Assemblie at Perth, at his Majesty's desyre. So cairfull were these same men in these dayes to defend the Kirk of God in all her priviledges, who now in thir tymes are becom the cheiff impugners of that Christian libertie; which more appeared at the nixt Assemblie at Dundee, the tenth of Maii 1597, wher the Assemblie at Perth being called in question, and desyred be his Majestie to be ratified, with great difficultie they wer moved to acknowledge the lawfullnes of it, yet so as they would have certaine of the Acts maid therat explained and somwhat corrected; as, namlie, [" concerning] the articlle anent convention of pastours, his Majestie's consent was declaired to be extendit to all, and whatsoever forme, either of Generall Assemblie or Speciall Assemblie, permitted and authorized be his Hienes's lawes, according as they have warrand in the Word of God, as being the most authentick forme of consent that any King can give." Lykwayes, [" as to] the articlle anent provision of pastours to Borrowes, it was declaired, That the reason therof was and is, that his Majestie was content, and promissed, that wher the Generall Assemblie finds it necessar to place any persone or persons in any of the saids townes, his Majestie and the flock sall either give their consent therto, or els ane sufficient reason of their refuisall, to be proponed either to the wholl Assemblie, or to a competent number of the Commissioners thereof, as his Majestie sall think expedient."

At this Assemblie, be advyse of certaine of the ministers themselffes, who, at Perth, fearing to have lost their credit in Court by their forwardnes in pleading for the Kirk's libertie, pairtlie moved by threattenings, pairtlie for gaine, and pairtlie to maintaine their courtlie credit, had secreitlie weddit themselffes to his Majestie's appetyt, in procuiring the overthrow of the discipline of the Kirk, and re-esstablishing again that abjured Hierarchie; of whom the most speciall and principall was Mr James Nicollson, to that day in great accompt among his brethrein.

His Majestie, upon the pretence and schow of the multitude of matters of great weight and importance, not only touching particular flocks, bot whilk did concerne the wholl estaite and bodie of the Kirk, whilk commodiouslie could not be intreated nor concludit through schortnes of tym in that present Assembly, desyred the brethrein to consider, whither it were expedient that ane Generall Commission sould be granted to certaine of the most wyse and discreit of the brethrein, to convein with his Majestie, for effectuating of the saids weightie effaires. Wherupon commission was given again to fourtein, or any seven of them, to convein with his Majestie, to take order for the providing of ministers to the toun of Edinbrough, Dundie, and Saint Andrewes, his Majestie's and the Prince's House, and generallie to give their advyse to his Majestie in all effaires concerning the weill of the Kirk, and intertainment of peace and obedience to his Majestie within the realme; with power to them to propone to his Majestie the petitions and greives, als weill of the Kirk in generall, as of every member therof in particular, as sould be brought unto them.

Thus did the misterie of iniquite work and tak farder growth daylie by pollicie, thus reduceing the effaires of the Kirk to the government of a few, whilk sould be joyned to his Majestie as his Ecclesiastick Counsell, that, be his Hienes direction, the wholle government of God's house sould be ordered and led, that so, through length of tym, from him, as the cheif mover, all sould proceid, both in Kirk and Commonwealth. Shortlie heirefter, it appeared to what purpose this commission was sought; for, at their pleassour, the ministers of St Andrewes, Mr David Blake and Mr Robert Wallace, men of rair and excellent gifts and sinceritie, wer removed from St Andrews, and Mr George Glaidstanes, ane of the Commissioners, a young man, far inferiour everie way to the former, was placed in their rowmes; and one Mr John Rutherfoord, who, for many just and weightie causes was depryved of his ministrie be the Presbitrie of Saint Andrewes, as a most pernicious instrument in procuring dissention betwixt his Majestie and the ministrie, was, notwithstanding against reason, sett to his ministrie

be these Commissioners. Bot most of all did they bewray their intention at the succeiding Parliament halden at Edinbrough, the 19th of December 1597, where they procured ane act to be maid, that sic pastours and ministers as at any tym his Majestie sould pleas to provyde to the office, place, title and dignitie of ane Bishop, Abbot or uther Prelat, sould at all tym therefter have voit in Parliament, sicklyk, and als frielie as any uther ecclesiasticall Prelate had at any tym bygone, as they who ever hes represented ane of the Estaites of this realme in all Conventions of the saids Estaites; in the whilk Act it is allso ordained, that whatsoever Bishopricks presentlie vakand in his Hienes hands, or whilks sall happen at any tym heirefter to be vaikand, sall be only disponed be his Majestie to actuall ministers and preachers in the Kirk, or to sic uther persons as sall be found apt and qualified to use and exerceise the office and function of ane minister and preacher, who, in their provisions to the saids Bishopricks, sould accept in and upon them to be actuall pastours and ministers, and according thereto, sould practeise and exerce the same therefter.

Howsoever the Estaits of this land, moved be his Majestie's fordward dealling, and the Commissioners of the Kirks sent, did yeild to this Act, yet so greatlie did they respect the glory of God in maintenance of their sinceritie, als weill of the only trew discipline and spirituall government of his House as of the trueth of doctrine; that, fearing least this beginning sould tend to the overthrow of the present order established in the Kirk, whilk they had sworn to defend, they refussed to conclude any thing concerning the office of the saids persons to be provydit to the saids Bishopricks in their spirituall pollicie and government in the Kirk, and whollie remitted the same unto the King's Majestie, to be advysed, consulted and agried upon be his Hienes, with the Generall Assemblie of the ministers, at sic tymes as his Majestie sould think expedient to treat with them thereupon; zet so as they made this speciall caution, that it sould be but * prejudice of the jurisdiction and discipline of the Kirk established be Acts of Parliament

* Without.

maid at any tym preceiding, and permitted be the saids Acts to all Generall and Provinciall Assemblies, and uthers whatsumever, Presbitries and Sessions of the Kirk. Thus, in his mercy, did God steir up the hearts of the professours to stand to the maintenance of that discipline, whilk by the preachours was sought to be overthrowen.

## CAP. VI.

### THE POLLICIE USED TO INDUCE THE KIRK TO ALLOW DIVERS THINGS TENDING TO THE STRENGTHENING OF THE FORMER COURSE AGAINST THE DISCIPLINE.

His Majestie, persaiving that ther was no hope to prevaill in Parliament before the Generall Assemblie sould first consent to his purpose, from that tyme whollie keeped himselff to draw the most pairt of the ministrie, speciallie sic as wer Commissioners, to his mynd, and to have sic only, or for the most pairt, in commission, as did inclyne his way. Therfor did his Majestie, from that tyme, still keep the Generall Assemblie his selfe, and endeavoured not only to have the diets therof to depend upon his direction, bot allso to have all things governed in them according to his pleasour; therfor did he alter the dyets appoynted by the Generall Assemblie at his pleasour, that by consuetud, he might attaine to that, wherunto be law nor reason he could not: and whatsoever had beine done to the grieff of good men and harm of the Kirk, be the Commissioners, for fear to offend his Majestie, (who still did plead their cause,) behoved in the Assemblie to be approved. Thus, by his presence, the Commissioners wer still maintained in their course against the libertie and freedome of the Kirk, the rest being restrained be his Majestie's authoritie and reverence borne to his Hienes, oftymes from censuring those things wherewith they had more then just cause to be greived.

This was evident in the nixt Assemblie, whilk being appoynted to hald at Stirling, the first Twysday of Maii, was altered, and,

at his Majestie's command, brought to Dundie the 7th of Mairch 1597; in the whilk, whatsoever was done to the hurt of the Kirk and prejudice of the gospell, and most excellent pastours therof in Edinbrough and St Andrewes, or yet in favours of the worst sort, as Mr John Rutherfoord, was allowed; only the suspension of Mr Robert Wallace from the ministrie was annull'd; yet so as he behoved not to returne to his place in Saint Andrewes, bot to serve in sic uther place wher the Kirk sould think his travaills to be best imployed. And allbeit many just greives wer given in be many brethrein against their proceidings, yet wer all ordained to be buried and put in oblivion, upon pretence of continuing peace and quyetnes in the Kirk; the trew cause being the satisfaction of his Majestie's will and desyre. In this Assemblie also, the Commissioners obtained, upon the occasion forsaid, ane approbation of their intention in craiving voit in Parliament for the ministers. His Majestie, not fully satisfied heirwith, did desyr the Assemblie to enter into particular consideration of that matter anent the Act of Parliament preceiding, touching votting in Parliament, and to conclude every poynt therof, in respect the form, maner and haill circumstances of the persons that sould have voit, wer reserved be the Estaits to the Assemblie to be accepted or refused as they sould think expedient. So at that tyme thrie things were concluded anent the Kirk's voiting in Parliament as the Third Estait of the land, and that with great contradiction and miscontentment of all the best sort, all things being carryed away be pluralitie of a few voits, the number being more regairded then the weight and valour.

First, it was thoght necessar and expedient for the weill of the Kirk, that the ministers, as the Thrid Estait of the kingdome, in name of the Kirk, sould have voit in Parliament. 2. Concerning the number of ministers that sould have voit, it was concludit and thoght expedient that ffyftie and ane, or therby, sould be chosen to that effect, according to the number of Bischops, Abbots and Pryours, that in tyme of the Papisticall Kirk had voit in Parliament. 3. It was concludit, that the election of them who should

have voit in Parliament ought to be of a mixt quallitie, and so pairtlie to appertaine to his Majestie, and pairtlie to the Kirk. The remanent heads of that question concerning their office: who sould voit in Parliament, *videlicet*, of the maner of his election, of his rent, of the continuance of his office, whither he sould be chossen *ad pœnam* or noght, of his name, of the cautions for preservation of him from corruptions, and all uther circumstances, wer referred to farder advysement of every Presbitrie in particular; and, therefter, the Synods were ordained to conveine the first Twysday of Junii, to reason and consult upon the saids heads, and to choyse out thrie of the wysest out of every Synod, to be in readines upon his Majestie's advertisment, to convein with his Majestie, together with the Doctors following:—Mr Andrew Melvill, Mr John Johnstoun, Mr Robert Rollock, Mr Patrick Sharp, Mr Robert Howie, Mr Robert Wilkie, and Mr James Mairtein, at sic day and place as his Majestie sall think expedient, with power to them to reason and confer; and, in caise of uniform agriement of oppinions, to conclude the haill questions touching voit in Parliament: Utherwayes, in caice any discrepancie or variance sould be, the conclusion to be referred to the nixt Generall Assemblie.

Thus did that work receive no small progresse; and for the farder promoving of it, his Majestie, under pretence of the Constant Platt, planting of kirks, waitting on Parliament, presenting of greives, did obtain again that ane commission sould be given to nyntein, or any nyne of them, to conveine with his Majestie, and to concur with him in all the forsaid things; as allso to have power to give their advyse to his Majestie, for preventing all inconvenients lyk to fall out in prejudice of the Kirk, and to sitt and cognosce upon every fact of the ministrie, wherof his Majestie, finding himself grieved, sould crave redress, and be themselffes to try and conclude therin, haveing first, for information, craved the advyse of the most discreit of the Presbitrie wher the person offendar dwelleth.

This commission being once concludit, dyvers of the ministers

being greatlie offendit therwith, as being the very foundation of ane oppen tyrrannie; it was again somwhat restrained in the last poynt be his Majestie's consent, that the Commissioners sould not be employed in any sic matter, except it wer first notoriouslie knowen that the Presbitrie wher the offendar had his residence, understanding the fact, did either neglect the tryall therof, or then not satisfie his Majestie with imposition of condigne punishment.

All things being thus governed, a learned and reverend father, Mr John Davidson, did give in ane protestation in his own name, and in the name of divers uthers, unsuspected brethrein, protesting that that Assemblie was not ane frie Assemblie, and therfor that nothing therin concludit to the prejudice of the Kirk sould have any force or strength. This protestation he desyred to be insert in the Buikes of the Assemblie; whilk being resisted be his Majestie, the Assemblie, for fear to offend his Hienes, did discharg the Clark to insert the same in the Buikes of the Assemblie.

The nixt Assemblie being appoynted to hauld at Aberdein the first Twysday of Julii 1600, was, be his Majestie, altered from Aberdein to Montrose, and from the first Twysday of Julii to the eightein of March, wher the advyse and proceedings of the Commissioners from Synods conveined, according to the ordinance of the preceiding Assemblie, with his Majestie at Falkland, the 25th of Julii 1598, to resolve upon the remanent heads, touching voit in Parliament, being produced and considered so farr as they had resolved, was allowed.

First, Concerning the maner of his election who sould have voit in Parliament, it was ordained, That he sould first be recomendit be the Kirk unto the King in forme as followes: that is, the General Assemblie haveing reseived the advyse of the Synods and Presbytries, wher the person is to be placed, be wrytt nominating sex aither within or without the bounds of ther Synods, the Generall Assemblie sall present them to his Majestie, who bound and obleidged himselff to mak choyse of none uther bot one of the sex presentit to him, as said is: And in caice, upon just reason of their

insufficiency, and greater sufficiency of uthers, his Majestie sould refuse them all, then the Kirk was to mak a new nomination, according to the number foresaid, out of the whilk, without farder refusall, his Majestie sould be obleidged to make choyse of one whom the Synod sould admitt; with this caution, that if ther wer ane within the bounds of the Synod als meit as these who sould be named without, he sould be preferred.

Second, Anent his rent, it was concludit he sould be provydit be his Majestie to the superplus of the benefice wherto he sould be preferred, the haill Kirks within the same being first sufficientlie planted, and the schooles and colledges allreadie erected not prejudged of their rents and donations.

Third, Concerning his name, it was concludit, be uniform consent of all the brethren, that he sould not be called Bishope, etc., bot the Commissioner of sic a place for the Kirk, according to the Synod or Presbitrie, or pairt of the land wher he sould be admitted; with this condition, that if the Parliament could not be induced to acknowledge that name, the Generall Assemblie therefter sould conclude that question.

Fourth, Touching the Cautions to keep him from corruption, there were nyne maid at Falkland, to wit:—

"1. That he presume not at any tyme in Parliament, Counsell or Convention, to propone, in name of the Kirk, any thing without ane expresse warrand and direction from the Kirk, and sic things as he sall answer for, to be for the weill of the Kirk, under pain of deposition from his office; and that he neither keep silence in any thing, nor consent to any thing in the saids Conventions, that may be prejudiciall to the weill of the Kirk and libertie therof, under the same pain.

"2. That he sall be content with that pairt of the benefice whilk sall be given him be his Majestie for his living, not hurting nor prejudging the rest of the ministers of the Kirks within his benefice, planted or to be planted, or any uther minister of the countrey whatsoever: And this clause to be insert in his provision.

"3. He sall not delapidat in any way his benefice, neither mak

sett nor disposition therof, without the speciall advyse and consent of his Majestie and Generall Assemblie; and, to that effect, sould interdyte himselff to the Generall Assemblie, neither himselff to dilapidat nor consent to the dilapidation therof maid be others; and sould consent that inhibitions be raised on him to that effect.

"4. He sould be bound faithfullie to attend upon his owne particular congregation, wherat he sall be minister in all the poynts of ane pastour, and heiranent sall be subject to the tryall and censure of his own Presbytrie and Provinciall Assemblie, as any uther minister that bears not commission.

"5. That in administration of discipline, collation of benefices, visitations, and uther poynts of ecclesiastick government, he sall neither usurp nor acclaim to himselff any power of jurisdiction, farder nor any uther of the rest of his brethrein, except he be imployed be his brethren, under the pain of deprivation; and in caise he usurp any pairt of the ecclesiasticall government, the Presbitrie, Synodall or Generall Assemblie opponing and making impediment therto, whatsoever he does efter the said impediment to be null, *ipso facto*, without any declaratour.

"6. In Presbitries, Provinciall and Generall Assemblies, he sall behaiff himselff in all things, and be subject to their censure, as any other brother of the Presbitrie.

"7. At his admission to his office of Commissionarie, thir and all uther poynts necessar, he sall swear and subscryve to fullfill, under the penalties forsaids; utherwayes not to be admitted.

"8. He sall be bound at everie Generall Assemblie to give ane accompt anent the discharge of his commission since the Assemblie preceiding; and sall submitt himselff to their censure, and stand at their determination whatsoever, without appellation; and sall seik and obtaine ratification of his doings at the said Assemblie, under the paine of infamie and excommunication.

"9. In caice he beis depryved be the Generall Assemblie, Synod, or Presbitrie, from his office of the ministrie, he sall allso tyne his voit in Parliament *ipso facto*, and his benefice sall vaik."

Thir Cautions wer concludit be the Commissioners at Falkland,

reserving libertie to the Kirk to add farder as they should think meitt and have occasion. Unto the whilk, the Assemblie added these two following :—

"1. That none of them that sall have voit in Parliament sall cum as Commissioners to any Generall Assemblie, nor have voit in the same, in any tym coming, except he be authorized with ane commission from his own Presbitrie to that effect.

"2. That *crimen ambitus* sall be ane sufficient cause of deprivation of him that sall have voit in Parliament."

The question touching the continuance of his office and commission, Whither it sould be for his lyfe, (except a cryme interveined,) or for a shorter tyme? being left be the Commissioners at Falkland, in respect of the difference of their oppinions, to this Assemblie, it was concludit, "That he sould continue bot for ane yeir, and so sould give compt of his commission resaived from the Assemblie everie yeir, and lay doun his commission at the feit of the said Assemblie, to be altered or continued be his Majestie and the Assemblie, as the Assemblie, with consent of his Majestie, sould think most expedient for the weill of the Kirk." Howsoever these things wer thus concludit, with als great circumspectnes as could be, for avoyding the danger whilk was universallie feared, yet no regaird was had in keiping them be sic as efterward were promoved be his Majestie; so that it was layed to the chairge of Mr John Spottiswood appoynted Bischop of Glasgow, therefter *in anno* 1605, befor his Majestie, be the Lord Balmerinoch, President, that he had sworne to observe the Caveats, and had obleidged himselff to subscryve them. Neither could his Majestie be weill satisfied with him in that matter, untill he did procuir ane act of the Presbitrie of Glasgow, testifieing, that he had not subscryved them; whilk he presented to his Majestie for his defence, as thoght his oath had bein nothing as long as he did not subscryve.

In this Assemblie was renewed again ane commission to so many, or ony nyne of them, to conveen with his Majestie, for the causses specified in their comission in the preceiding Assemblie, with absolute power therin, and speciallie in trying and cognoshing offences

done be any of the ministrie against his Majestie, and punishing of them as they sould think most expedient for the glory of God and weill of the Kirk.

The nixt Assemblie being appoynted to hauld at Saint Andrewes that last Twysday of Julij 1601, both tyme and place were efterward altered be his Majestie, and the Assemblie brought to Bruntilland, the 12th of Maij 1601; wher the ministrie haveing perceaved the great decay that, by the former proceidings of the Kirk, had cum to religion in all estaites, and that ther was no appearance, without speedie repentance and prevention, bot that, within ane short space, all sould end in ane oppen defection to Papistrie or Atheisme, they laboured both to consider the causses and remedies of sic inconvenients; whilk being proponed, wer all outwardlie heard, and resaved and approved be his Majestie; bot the remedies whilk wer most necessar left unpractised to this day. And allbeit ane of the greatest and chieffest causses of the saids inconvenients was the proceiding of the Commissioners of the Generall Assemblie, yet was ane commission at his Majestie's desir againe renewed to them, with full power, in all the preceiding effaires committed to them befor; be quhais advyse and assistance, as in tymes past, so now again his Majestie altered both tym and place of the nixt Generall Assemblie; it being ordained to hauld at St Andrewes the last Twysday of Julij 1602, [but] it was brought by his Majestie to Holyrudhouse, the tenth of November, the yeir 1602. At the whilk the inconvenients and dangers allreadie fallen out, and farder lyke to ensew, being more deiply apprehendit be the ministers, they were compelled in conscience to insist more earnestlie for remeid therof. And to this effect the Grieffes following were given in be the Synod of Fyffe, and craved to be considered and redressed:—

"1. Anent the disorder in keiping the Generall Assemblies, That they were not ordinarily keiped, notwithstanding of the Acts of Parliament, Acts of the Generall Assemblie, and necessitie of the tyme; bot the dyets therof wer altered, without the knowledge of Presbyteries and Synods. 2. That Ministers were called befor his

Hienes Secret Counsell, *in prima instantia*, for doctrine and discipline, to the great encouragement of the enemies. 3. That the government of the chieff matters of the Kirk was continued in the hands of a few under the name of a Commission, to the great prejudice of the liberties of Synods and Presbyteries. 4. That the Doctours bearing ordinar calling in the Kirk, be the discipline and custome thereof, were debarred from the Assemblie. 5. That the Assemblie had taken no tryall anent the Cautions sett down for avoyding corruption in the Commissioners votters in the Parliament."

These Greiffes, besyds divers uthers, being considered, the subsequent Remedies were enacted, with his Majestie's consent:—Concerning the first, it was found, That the Generall Assemblie sould be appoynted and keiped according to the Act of Parliament halden at Edinbrough the 4th of Junij 1592; the tenour wherof was insert in the ordinance of the Assemblie, ordaining the Generall Assemblie to be halden everie yeir or ofter, as occasion sould requyre, and the tym and place to be appoynted for the nixt Generall Assemblie in the present Assemblie, be his Majestie or his Commissioner, being present with the Assemblie, utherwayes be the Assemblie themselffes, according as it had bein in use and custom to doe in tymes past; and so all power taken from the Commissioners in tyme to cum, to alter or delay the dyets of the said Assemblie. Touching the second, it was agreed, That his Majestie sould proceid against ministers, according to his Majestie's own Declaration, inacted in the Generall Assemblie at Dundie 1597, wherin it was agreed that his Majestie sould craive redresse befor the Presbitries and Commissioners of the Kirk, in whatsoever he sould be offendit. As for uthers who did sumond the ministers to appear befor the Counsell for exerceiss and execution of discipline, it was promissed be his Majestie in the Assemblie at Montrose, the 18th of Mairch 1600, *sessione tertia*, according as it is there registrat, That no letters sould be direct from the Secret Counsell at the instance of any persone, against any minister in particular, or any Presbitrie in generall, for whatsoever thing he or they sould doe

in the execution of his or their offices, before the person requyring the saids letters sould produce ane testimoniall under form of instrument *de denegata justitia*, of the minister or Presbitrie judges ordinar. For remedie of the thrid, it was ordained, That all Commissions suld be given and used, from that tym foorth, according to the Acts of the Generall Assemblie.. Anent the fourth, it was found, That Doctours had and might have voit in Generall Assemblies, being authorized with Commission, according as was declaired and inacted in the Generall Assemblie at Edinburgh, the 10th of Maij, *sessione sexta*, 1586, and at [Glasgow, April] 1581, wherin it was decerned, that Doctours sould concurr with the remanent elders, ther brethrein, in all Assemblies. The fyfth greiff, touching the tryall of the observation of the Caveats and Cawtions, was slenderlie ansuered; becaus it behoved to be so, and no more [was] ordained, bot that the Caveats sould be looked to, and preceisely keiped in tym coming, under the paines contained in the Acts maid thereanent. And so all bygone enormities and insolencies in the persons of the saids Commissioners past bot ony censure or correction. Yet the small beginning that was at that tyme, and indeavour to have things redressed, and the Kirk again restored to her wonted libertie, was ane of the causses whilk moved both his Majestie and the Commissioners of the Kirk to labour together to stay all Generall Assemblies in tym coming, for fear lest the said reformation intendit, being prosecut, sould utterly imped their purposes, not only begun, but now greatly promoved; as allso, lest the saids Commissioners, being called to their accompt, sould suffer the just deserved punishment of their iniquitie against God and his Kirk; whilk now had growen to a great height, to the unspeakable grieff and dolour of the best sort, and fearfull decay of the glory and beawtie of Christ his kingdome, and libertie of the Gospell.

Bot so farr did his Majestie's authoritie (notwithstanding of the saids inconvenients) prevaill, that at the said Assemblie, ane commission in most ample maner was renewed again to so many, or any nyne of them; who, for the most pairt, wer all chossen be his

Majestie's advyse, of these same men who had bein and still continued to be the cheiff instruments of the overthrow of the libertie of the Kirk, for their own ambitious desyre of preferrment and gain. At the desyre allso of his Majestie, the nixt Assemblie was appoynted to be halden at Aberdein, the last Twysday of Jullij 1604. Here first the Assemblie, without dew regaird of the prejudice that theron would follow to the libertie of the Kirk, did consent to his Majestie, (so much did they respect his pleasour, contrair to the Act of Parliament and Act of the Assemblie then presently maid, for haulding of Assemblies every yeir once at least, ane continuall practeiss constantlie observed in tymes past,) that the nixt Assemblie sould not be till the last Twysday of Jullij, in the yeir 1604, at Aberdeen.

## CAP. VII.

THE CAUSES MOVING HIS MAJESTIE, AFTER HIS GOING TO INGLAND, TO CONTINUE IN HIS FORMER PURPOSE AND PROJECTS TO ACCOMPLISH HIS DESIRE.

Heirafter fell out that great work of God's singular mercie and kyndnes towards his Kirk, ever with thankfullnes to be remembred, of the peaceable possessing of his Hienes with the impyre and dominion of the wholl Illand, whilk did procuir his Majestie's goeing to England: at whose departure from Scotland, (the cheiffest ground being removed, in the peaceable calling of his Majestie to the Crown of Ingland, whilk was thought to be the principall motive that did hold his Majestie forward in the former course for procuiring Uniformitie betwixt the two Kingdomes, and, by uniformitie, ane more easie entrie to the possession of the other,) the Kirk in Scotland was left in great hope and expectation of ane peaceable enjoying of her libertie by his Majestie's promeiss and protection, and of the ceaseing of all practisses against the same by his Majesty's procuirment.

Yet his Majestie, coming to England, did find a strong faction of

the Bischops and their adherents for maintenance, not only of their antichristian Hierarchie, bot of the vylest ceremonies, whereby the sincere worship of God by humane invention was filthilie polluted, and for refuissing therof the most learned, religious and hollie pastours to be violentlie put from their callings, and by them made odious to the licentious, and maliciouslie notted with the name of Puritanes by these who indeid are enemies themselffes of all Christian pureness, and do hold the Kirk of God, (whilk, by his blood he hes redeemed from bondage of all ceremonies,) under a most vylle servitude, endeavouring heirby, according to the conclusion of the Apostle, (Gal. v.,) "to oblige themselves to the fullfilling of the wholl law, and so to mak Christ to proffeit them nothing." His Majesty finding this kingdom in this disposition, althogh it yet remained in that staite of outward worship, wherin it had beine left by King Hendrie the Eighth, who had not so much abolished Poperie as the Pope, or, rather, had only transferred the Papall supremacie from the Pope to himselff; and albeit his Majestie did find yet still the said supremacie of authority over all persones in all causses, maintained in the person of their Princes, and the worship of God howsoever purged from that grosse idollatrie of the breaden God and expiatorie sacrifice, yet still attyred in the livray of the robber, and busket and adorned, or rather, deformed with the adulterous and whoorish ornaments, form, fashion, shaip and covering resaved from that Mother of fornications, the wyne of the wraith of whais whoorish fornications all nations had drunken; and this Kirk might justlie, with Tamar, by the vaill of her face, be judged a whoore;—yet not the less esteeming it dangerous in his beginning to entend great novations, allbeit both the earnest longings of the saints therfor expressed, and his own honor, did lead him to reformation, he was forced by the said faction to imbrace another course for his own peace, greatlie fordered therto by those of Scotland that had so farr imbarked themselffes in that wickednes; so that not only was he maid to favour the Estaite of Bischops, bot, against his resolution uttered at his first coming ther, to tak be the hand that pest both of Kirk and Commonwealth,

Bishop Bancroft, his own particular enemie, and in his heart a knowen enemie to the trueth, notwithstanding he had befor oppenlie spoken and wrytten against his Majestie's undouted right to the Crown of Ingland; who shortlie efter, by flatterie and bribes, did get himselff maid Primat of England, to the great greiff of all guid men and unspeakable hurt of the Kirk.

The course so going in England, it did encourage the saids persons in Scotland to prosecute ther intentions, being so favoured be his Majesty. So farr was his Hienes sett to promove the Union of the two Kingdomes, that becaus he was maid to judge it difficille to reduce England to a conformitie in religion to Scotland, he inclyned to suffer Scotland to be brought to ane uniformitie, at least in government, with England. And for the accomplishment heirof, the first cair was, to have such in commission from Parliament, as, in treatting about the Union, sould aggrie to that poynt; the nixt was, to stay the Generall Assemblie till that change sould be concluded in Parliament, and so the saids Assemblies utterlie abrogate: the first being stayed at the Parliament haulden at Edinbrough, the [3d] of Maij 1604, be the opposition of the nobillitie maid to the Lords of the Articlles, who for the maist pairt were purposlie chossen out of these new favourites; the noblemen of ancient blood esteiming the matter to appertaine more to them than these men, who had no farder respect to the weill of the kingdome then sic as might stand with ther privat advancement, and promoving ther credit for establishing ther present authoritie, the Bishops allso being now knowen to have joyned with them to the overthrow both of the Estaite of Kirk and Pollicie. Wherof advertisment being maid to his Majestie be post, for avoyding of farder troublle, his Hienes did continue the Parliament till the [11th] of Julij therefter; at what tym his Majestie did send ane roll of sic persons as he speciallie requyred to be appoynted Commissioners, the greattest number being of the forsaids persons; uthers being aither sic as were knowen Papists, or adjudged sic as wer whollie governed be them; [and there] were joyned with them a few that had some

regaird to the libertie of Kirk and Kingdome. Heir was ther no way left to the ancient blood of the kingdome to eschew either his Majestie's offence or the endangering of the Kirk and kingdome, but one, quhilk was the resisting of the taxation sought for bearing chairges of sic as sould be sent, offering to releiff the countrey of that burdein, if they were permitted to send, in that earrand, sic persones as they sould nominat.

The forsaids Counsellors and Bischops seeing such difficultie, that either they must depairt from their purpose, or goe without furniture, they did all agrie to bear their own chairges, far by the expectation of all men, if they had not looked for recompence.

Heirupon the Parliament, seeing no uther remedie, for preventing the best they could the utter overthrow both of Religion and Pollicie, did in their commission make speciall exception of religion, government, discipline and jurisdiction of the Kirk, and all lawes maid in favours therof, according as it was presentlie established and practeised within the kingdome: that the Commissioners sould no wayes mell * therwith, to mak any change or alteration therof. Secondlie, In matters concerning the Commonwealth and Pollicie, they did give no power to conclude any thing, bot only to confer and advyse, reserving the conclusion of all things to the Estaits conveined again in Parliament. The uther poynt touching the Assemblie, the Bischops and Commissioners, with his Majestie's Comissionar appoynted not long befor, the Laird of Lawrestoun, did labour to effectuat. Therfor they did send their letters from Perth, at the tym of the said Parliament, to all Presbitries, for staying the Assemblie at Aberdeen untill the first Twysday of Julij, quhilk was the second day therof in the yeir 1605, or sooner, if advertisment sould be maid. The tennour of the letter followes :—

"Ryght Honourable Brethrein,—Efter our heartillie commendations, being conveined heir in Perth, my Lord Controller cam befor us, declairing among uther articlles given to his Lordship be

* *Mell*, meddle.

his Majestie in Commission, wherwith we were acquainted, that it was his Majestie's will, that the Generall Assemblie of the Kirk, quhilk was appoynted to be haulden at Aberdeine this month, sould be continued till new adverteisment cum from his Majestie, and quhill this matter of the treating of the Union wer put to som poynt, desyring us to acquaint the haill Presbitries of Scotland, that they might be informed not to direct ther Commissioners to Aberdein; and being advysed whither it was better to mak you adverteisment be proclamation or be letter, we thought this the best way, to give you adverteisment be our letter, and to acquaint you with his Majestie's will, that ye may stay your meitting till the first Twysday of Julij 1605, or soonner if ze be adverteised *: as also to desyre yow, according to our former letter, to send in to Edinbroughe, with all diligence, betwixt and the first of August nixt, your contribution for the Kirk of Geneva, if as yet ye have not sent it. Ye know Hendrie Nisbet is appoynted to resaive the same, who will delyver an acquittance of his resaite, wherwith ze sall content yourselves, as of whom we have taken assurance that he sall returne us the dischairge of the agent of Geneva, presentlie lying at Londoun, togither with ane discharge from the Syndex and Kirk of Geneva. We look for your satissfaction in this matter as ye will show your obedience to his Majestie, who hes recommendit that Kirk to us. Nocht els, bot commits you to God. From Perth the 4th of Julij 1604.

"Your loving brethrein the Commissioners of the Generall Assemblie, and in our names,

"ALEXANDER STRAITOUN, *Commissioner.*
"Mr PATRICK GALLOWAY.
"Mr RICHARD THOMSON,
*Clerk to the Commissioners.*"

* In a note added in the Book of the Universal Kirk, it is stated, that the copies of this Letter purposely "differed in the day; in the missives directed to the North, was appointed the second day of July; in the missives directed to the South, the fifth day: Therefore some came the second day and some the fifth day." (vol. iii. p. 1013.) The above Letter in Forbes's MSS. by mistake is signed James, instead of Alexander Straiton of Lauriston, who was Commissioner.

The Presbytries, all except St Andrewes, notwithstanding that their purpose against the discipline of the Kirk was sufficientlie persaived, and that by these letters they had given evident testimony of ther insolent usurpation over the house of God, against the Act made in the Assemblie at Holyrudhouse, the [13th] day of [November] 1602, above specified, and that they understood that the conscience of their iniquitie against the Kirk of God, and most zealous and faithfull of the ministrie, did make them to fear ther just deserved punishment, if the Assemblie had haulden; and allbeit, the necessitie of the tyme most necessarly requyred the same, for repressing the dangerous schismes arysing be the saids Commissioners procuirment, the growth of impietie and contempt of religion in all pairts, the daylie increass of idollatrie, and apostasie oppenlie avowed, under hope of immunitie from the censure of the Kirk, by their appellation from Presbitries and Synods to the Generall Assemblie, quhilk was never expected to hauld; yet for all this, the Presbitries, becaus the said Commissioners did outwardly dissemble their intention, and did father all upon his Majestie, to testifie how farr they were sett to pleasour his Majestie, yeildit to the said continuation, in hope, by information to his Majestie, to obtaine the haisting of the Generall Assemblie to a nearer day.

## CAP. VIII.

### OF THE DILIGENCE AND EARNEST ENDEVOURS OF THE MINISTRIE TO PRESERVE AND MAINTAINE THE LIBERTIE OF THEIR ASSEMBLIE AGAINST THE POLLICIE AND CRAFT OF THE BISCHOPS AND COMMISSIONERS.

Allbeit diverse meanes were used before to procuir the haisting of the Assemblie, both be Synods and Presbitries imploying diverse of the saids Commissioners to that effect, and yet in vaine; they did make diverse supplications to his Majestie againe, be the same mediatours: bot without all fruit. So that, seven tymes at

least, first and last, humble suit was made in this matter, first be the Synod of Fyffe, quhilk earnestlie dealt with Mr John Hall, last Moderatour, before Mr Patrick Galloway then Moderatour, in his absence with his Majestie, to wryte to the King for hasting the Generall Assemblie; who reported again that he had done so, bot could not obtaine it. Secondlie, The Presbitrie of Edinburgh did wrytt to Mr Patrick Galloway to intreat his Majesty heirin, who, after diverse delaying answers, at last sent word that he sould cum home to keep ane Assemblie; bot efter his home-cuming no effect followed. All this was befor the forsaid continuation. Wherefore the Presbitrie of St Andrews, considering more deiply the danger of the said delay, did direct in comission to Aberdeine, Mr James Melvill, Mr William Murray, and Mr William Erskine; who coming there, and finding no convention of their brethrein from the Presbitries, for dischairg of their dewtie to God and his Kirk, did make publick Protestation in form and maner as efter follows:—

"At Aberdeen, the last day of Julij," &c.

[See this Protestation in Calderwood's History, vol. vi., pp. 264-268.]

Therfor, heirefter the brethrein in the North finding themselves speciallie prejudged be the said delay,—the Assemblie being purposly appoynted to hauld among them, for repressing the insolence of Papists in the North Countrey, for planting of noblemen's housses and cheiff places with a ministrie meit to doe the work of the Lord, to prosecute the remedies of defection set doun in the Generall Assemblie at Bruntilland, to cause the lait reconcealled Papists perform the conditions agreid to be them,—they being conveined in ther Provinciall Assemblie at Aberdein, and considering the continuall progresse and growth of the forsaid inconvenients, did send certaine Commissioners to the Synodall Assemblie of Fyffe, be their advyse, to deall with his Majestie's Commissioners, for obtaining of ane short dyet to the Generall Assemblie at his Majestie's hands; as likewise, to procuire a meitting with

the Commissioners of the Generall Assemblie, that by mutuall conference in love, the present jealousies might be removed, the future dangers prevented, and a perfyte union wrought among the ministers: Who coming to Saint Andrewes and dealling as said is, the Laird of Lawrestoun, his Majesty's Commissioner, promeised to convein the Commissioners of the Generall Assemblie, (albeit, some of themselffes, speciallie Mr James Niccollson, being earnestlie requisted heirto be the said brethreine of the North, did willfullie refuise all meitting with them); and, therfor, willed all the provinces to joyn their request, and mak supplication to his Majestie be him and the saids Commissioners, and it sould be obtained; and to this effect, appoynted the . . . . day of October the same year, at Perth, to conveine befor his going to Court.

The quhilk day, Commissioners being conveined from many provinces of the kingdom, did most earnestlie desyr a loving conference with the Commissioners of the Generall Assemblie ther conveined with the Laird of Lawrestoun for the causses forsaids; bot they obstinatlie refuissed to enter in conference with them. Wherupon the said Commissioners from provinces, finding no uther remedie, resolved to wait some better opportunitie of peace now constantlie refuissed be them; and for the present, leaving uther things, for eshewing of farder distraction, thoght good to make supplication with them, and be them, with the Laird of Lawrestoun, to his Majestie, for obtaining ane Generall Assemblie; quhilk was promeissed be him, and expected bot all in vaine.

Moreover, the Synod of Lowthian, at two severall tymes, maid humblle suit for ane Assemblie to his Majesty, bot could prevaill nothing.

And, last of all, what purpose these Commissioners of the Generall Assemblie with the Laird of Lawreston had, notwithstanding of ther former dissimulation, was cleirlie manifested be the Laird of Lawrestoun, efter his return from England, in the Synod of Fyffe, haulden at Bruntilland, the [last] day of [April] 1605, where mention being maid of the Generall Assemblie appoynted the

second of Julij at Aberdein, and of directing Commissioners therto, the Laird of Lawrestoun stronglie withstood it. Wherupon, the Assemblie desyring that the tym and place only might be appoynted, how long or short soever, that the Kirk might be put out of suspition and jealousie of lossing their Assemblies, and of dispossessing them of so necessar a priviledge, he could be moved for no intreatie to grant it; so that ther neided no man be ignorant of their purpose and intention to abrogat and utterly abolishe the Generall Assemblie of the Kirk, whenas neither could [would] they condiscend that the dyet appoynted sould be keiped, nor yet would designe any uther dyet therefter. At this tyme, besyde these that wer constitute befor, and Mr John Spottiswood, who was maid Bischope of Glasgow, a litle efter his Majestie's going to England, the remanent Bishoprickes were provided and filled with Commissioners. Mr George Glaidstaines was changed from Caitness, to be Archbischop of Saint Andrewes; Mr Gawin Hamiltoun was maid Bischope of Galloway; Mr James Law of Orkney; Mr Andrew Knox of the Illes; Mr Alexander Forbes of Caitness; Mr Alexander Douglas of Murray; by whom, and the remanent Commissioners with them, the ministrie of the North, finding themselffes depryved of their expected comfort of the Generall Assemblie, and greatlie impedit, partlie by them, and partlie by the Counsell, in ther own lawfull proceidings with the censures of the Kirk against the Marques of Huntlie, who had oppenlie avowed a new apostasie and defection from the trueth, and was becum a recusant, not only by certaine of the saids Commissioners familiarly accompanying him, countenanceing him in his wickednes, reasoning in his favour, and pleading for immunitie to him; bot by their pollicie, act, and ordinance, willing them to desist from persewing him, and personall chairge of the Counsell summonding to compeir befor them to hear themselffes ordained to desist, and publictlie dischairged of the Counsell be coppies of proclamation at the mercat crose of Aberdeine, inhibiting, under pain of rebellion, to proceid against him; quhilk letters purchassed be the Laird of Lawrestoun, without any warrand from

his Majestie, to the great grieff of all good men, and no small consolation of the wicked, quhais favour these persons did labour to conciliat, being assured to find none of the best sort for strengthening their course;—finding themselffs, I say, thus on every syde hardlie straitted, they resolved to send to his Majestie to lament these just greiffes, being assured that these things could not proceid of his Majestie's direction; and so directed their brother, Mr John Forbes, in commission to pass to his Majestie with expeditione; who, notwithstanding that he was preveined be the Marques of Huntlie, (who hearing of his dispatche took post towards his Majestie to preoccupy his mynd,) yet being most gratiouslie admitted to his Majestie's presence the third day efter his coming and favourabllie heard, returned with great comfort to his brethrein; his Majestie haveing plainlie signified his miscontentment with the said proceiding of Lawrestoun, as done without any warrand from his Hienes, and declairing his constant purpose and resolution no wayes to mak any alteration of the discipline and jurisdiction of the Kirk, and ordour of government quhilk he had left established behind him in Scotland; making his Majestie's mynd knowen to the Kirk be his own letter, of his unfained affection to the trueth and constant resolution to doe and direct them,* and giving strait direction to the Counsell, by ane uther letter, to be so farr from resisting the authoritie and jurisdiction of the Kirk, that, be the contrairie, they sould hauld hand thereto, that no disobedience sould be tollerat, no not in the Nobillitie themselffes, bot that the lawes sould be seveirly execute against them.

The hearts of all were greatlie comforted, and their myndes refreshed, with these glaid and gracious newes, being fullie assured that these foresaid persones did most unjustlie attribute and ascryve their devyces and doings to his Majestie, who, of himselff, was inclyned to mak no change, if he had bein freed from their importunat faschious importunitie, by continuall posting to Court, without any conscience of ther calling, and the fordward dealling of the Bischops of England in that matter, with whom the Bischops in

* Gibson's MS., "to live and die therein."

Scotland, according to the example of Adamsone, sumtyme Bischop of Saint Andrewes, bussied themselffes more then became good Christians, let be faithfull Pastours, against the libertie of the Kirk of God in that kingdom and countrey, pairtlie in presence, and pairtlie by intelligence, mutually intertained in absence.

Upon this knowledge of his Majestie's good mynd and intention, the Kirk assuredly hopped to have found no impediment to their nixt Assemblie, the 2d of Julij, at Aberdein; his Majestie haveing given so full assurance of his constant resolution no wayes to mak any alteration of their government, and haveing removed all oppinion of any intention in his Hienes to stay or imped their ordinar meittings, desyring nothing more then the peace of the Kirk; quhairof he desyred the said Mr John Forbes, be ane instrument, by indevouring to procuir all things to be done in quyetnes and peace: quhilk the said Mr John promeissed to doe according to his power. These were all the promeisses maid be him, as he reported at his returne, upon his Majestie's own desyre; quhairin quhat dewtie was broken by his Commissioner's proceidings at Aberdein will efterward appear.

## CAP. IX.

### THE CONSTANT GOING ON OF COUNSELL AND COMMISSIONERS IN THE INTENDIT PURPOSE.

Notwithstanding of the former speciall declaration of his Majestie's mynd to the ministrie, and particular direction sent to the Counsell, neither Counsell nor Commissioners rebaited ought in their course. Bot efter the Commissioners, for the more easie accomplishing of their purpose, had removed these persons out of the way, whois authoritie and faithfullnes did most hinder their wicked devysses; as, namelie, that most reverend father Mr Robert Bruce from Edinbrough, to the unspeakable miscontentment not only of his flock, bot of all good men, (sic was their insolent tyrannie

over the Kirk of God,) as efterward allso Mr Robert Howie from Dundie; they being conveined at Edinbrough the 8th of Junij 1605, resolved again to stay the Generall Assemblie; and to this effect sent their letters, subscryved be the Laird of Lawrestoun and Mr Patrick Galloway, to all Presbitries, in forme as followes:—

"BRETHREIN,—Our heartillie salutations premitted, upon his Majestie's warrand direct to us in Julij last, we gave yow adverteisment of the continuation of the Generall Assemblie till the fyft of Julij ensewing; since quhilk time we have humbllie requested his Hienes, at diverse tymes, for holding of the said Assemblie, and haveing resaived answer, under his Majestie's hand, that befor the Parliament the same cannot be permitted: Quhairof we have thoght meitt, be thir presents, to mak yow advertissed, and to desyre yow to stay your Commissioners from keiping the said dyet, because it is his Majestie's pleasour; against quhilk, if we sould attempt any thing we might irritat his Majestie, and give occasion to sic questions as we would have eschewed, bot we could not profeit ourselves any thing. And, therfor, we requeist yow to tak the continuation in good pairt, and assure yow we ar and sall be als earnest for ane Assemblie as any in the Kirk or countrey sall be, and sall doe our utter power and travaill for the maintaining of the liberties of our Kirk in everie thing; quhairin we doubt not bot ye will schow yourselves conformable. We have heirin also insert the article direct by his Majestie:—Anent the Generall Assemblie we cannot resolve, in respect of the busines that is in both the realmes, befor the approaching Parliament; bot this being endit, we sall have occasion to advyse and direct the most expedient for the weill of the Kirk." And sua we committ yow to God.

"From Edinbrough, the seventh day of Junij 1605.

"Your Brethreine the Commissioners of the Generall Assemblie.

"LAWRESTOUN.

"MR PATRICK GALLOWAY."

Thus did they both cast the dyet of the Assemblie in ane uncertaintie by desiring ane indefinit prorogation, against all law and preceiding exampllе; and, farder, by pollicie in poynting out a wrong day, craftillie indeavouring to bring the brethrein to the slipping of the lawfull day, and to involve them in the guiltines of ane unlawfull convention upon ane day not designed. Yet the Laird of Lawrestoun and remanent Counsellors of that sort, justlie fearing the weakness of this letter, thoght meitt to direct chairges for staying of the said Assemblie; quhilk were delyvered for this purpose to the Laird of Lawrestoun.

About this tyme Mr John Forbes, being in Edinbroughe, and hearing that sic chairges wer ordained to be used, went to the Chancellour *, and, efter sum conference in that matter, the Chancellour condiscendit to stay the chairges, and only to use ane letter of requeist, upon the said Mr John his promeiss to imploy his credit with his brethrein, for procuiring that no more sould be done in that Assemblie, except only ane continuation of the effaires of the Assemblie to ane uther tyme; quhilk letter he promeissed to send with one of his owne, and not with Lawrestoun; the said Mr John Forbes willing him to doe so, justlie fearing the Laird of Lawrestoun, as being whollie addicted to the pleasour of the Commissioners. Thus did Mr John Forbes, according to his promeiss to his Majestie, for staying all farder occasion of trouble quhilk might aryse be so violent opposition to the discipline of the Kirk; as lykwayes to keep the Kirk in possession of her own priviledge, yet so as all just occasion and matter of any offence sould be taken away, nothing being done bot the dyet continued, † that thereafter the Commissioners might bewray themselffes plainlie (if they consented not therwith) that they wer seiking more themselffes then his Majestie, and the establishing of their own tyrannie by the utter overthrow of the discipline. Howsoever in that buik, intitulled "A DECLARATION of the just causes of his Majesties proceeding against those Ministers, who are now lying in prison, attainted of high Treason. Set foorth by his Majesties Counsell of his king-

* Alexander Seafon, Earl of Dunfermline. † *i. e.* Delayed.

dome of Scotland,"* *Anno* 1606, (pp. 5, 6, 7,) ther be meikle spoken of the indevour and bussines of wicked men, for crossing his Majestie's mynd and guid intention by secret suggestions, plotting, &c.; yet this is all that bussines quhilk any of these that conveined at Aberdeine did use in that matter, allthogh it had beine nothing amisse, allbeit in so weightie a matter, upon so manifold occasions, they had manifested sum greatter fidellitie and watchfullnes then they did.

## CAP. X.

### OF THE ASSEMBLIE HAULDEN AT ABERDEIN AND PROCEIDINGS THEROF.

The Presbitries and Synods, (sum haveing no wayes seine the saids letters of advyse, befor the Commissioners chossen and direct be them to Aberdein, wer depairted to keep the dyet,) did, upon the first letter of continuation direct to them from Perth by the Commissioners the yeare of God preceding, elect their Commissioners. Uthers, haveing resaived the letter a very few days befor the dyet, compairing the informallitie of the last letter of continuation with the warrands of the Generall Assemblie, Act of Parliament, and Act of the Assemblie at Halyrudhouse forsaid, and necessitie of the tyme, thoght themselffes more obleidged to obey the saids statutes and lawes then the naked advysse of these men, contrair therto in their letter, wherby they usurped power, not only of altering and delaying the dyets of the Generall Assemblie against the ordinance at Halyrudhouse, bot of casting the Kirk by the uncertaintie of all futur ordinar meitting, according to law and custom inviollablie observed hitherto, (be leaveing both tym and

* The above is the title of the official Declaration, which was "Imprinted at London by Robert Barker, Printer to the King's most Excellent Majestie. *Anno* 1606," 4to, pp. 45. It is inserted in Calderwood's History, vol. vi. p. 419. A counter-statement, says Dr M'Crie, was published by the Ministers, under the title of "Faithful Report of the Proceedings anent the Assembly of Ministers at Aberdene," printed in England in 1606. (*Life of Melville*, vol. ii. p. 116.)

place undesigned, *) in danger of forfaulting their liberty and loosing their Assemblie. Therfore they elected ordourlie their commissioners, and sent them to keip the said Assemblie; sum the 2d of Julij, haveing persaived the fraud of the last letter in nameing the fyfth day; uthers, not marking the said errour, directed their commissioners to the fyfth day. Quhairupon it fell out that the Assemblie haulden the second day, be sic as were direct therto, was so rare, that they [were] not exceiding the number of nineteen commissioners; and that the rest, who wer direct according to the last fraudulent letter,† did not cum to Aberdein till the fourth and fyfth dayes, efter the Assemblie was dissolved. And sum Presbitries, being casten in doubt to be dissappoynted in respect of the diversitie of dyets designed in the two letters, did stay from sending their commissioners, allbeit they had chossen them.

Upon the 2d of Julij, ther assembled, from dyvers Presbitries and provinces, Mr Robert Durie, Mr Andrew Duncane, Alexander Strachan, Mr John Sharp, Mr John Monro, Mr David Raitt, Mr Charles Ferme, Mr William Forbes, Mr James Irving, Mr Robert Youngson, Mr John Forbes, Mr Archibald Blackburne, Mr James Rose, Mr Robert Reid, Mr William Davidson, Mr David Robertson, Mr Alexander Scrogie, Mr John Rough, and Mr James Mill; of whom, efter sermon maid be Mr James Ross, minister at Aberdein, sic as were present therat, conveined in the Kirk with the Laird of Lawrestoun, who was there present, and supposing diverse brethrein to be hindred in their journey by injurie of weather, (being extraordinar, in respect of the tym of yeir,) in hope and expectation of their coming, by mutuall consent both of Lawrestoun his Majestie's Commissioner and them, they continued their downsitting till two houres efternoon; at quhat tym they meet in the session house within the Kirk of Aberdein, and sanctified their meitting in the name of Jesus, by prayer to God be Mr David Raitt, Moderatour of the Synod of Aberdein, in absence of Mr Patrick Galloway. At quhat

* Unappointed. † See foot note to p. 38.

time the Laird of Lawrestoun, coming in and sitting doun among them, did mak no impediment to their assembling, as thoght it had bein a privat conventicklle, seditiouslie, contemptuouslie or in disdaine of his Majestie's princelie commandement and authoritie royall, convocat as in the forsaid buik of "Declaration" is alledged, p. 17. Bot efter he had signified his good will and favour in not useing any chairge against them, albeit he might have done so, to stay their meitting, he did present ane missive letter from the Lords of the Secreit Counsell, showing that he had rather chossen to use their friendly requeist, in hope it sould be obeyed. Thus first was the condition maid with Mr John Forbes broken be the Chauncellor, in sending this missive with Lawrestoun.

The letter being presented, becaus it was direct on the back in thir words,—"To our traist Freinds, the Brethrein of the Ministrie conveined at their Assemblie in Aberdein,"—it was layed asyde untill Mr John Forbes was chossen Moderator, be consent of Lawrestoun first nameing him to that effect. The forme of the proceiding herein with Lawrestoun, and in the rest of that action, because it is descryved afterward at length in the Declaration of their proceidings sent to his Majestie, we leave it to that place, only speciefieing heir the principall things done at this tyme. The letter, efter the election of the Moderatour, was redd, the tennour quhairof was as followes:—

"Traist Friends,—Efter our hartillie commendationes: Hearing that ye have appoynted ane Assemblie to be haulden and keiped ther at Aberdein, in the month of Julij nixt to cum, quhairby the King's Majestie may take some occasion of offence against yow, seeing neither [has] his Majesty bein maid privie to your resolutions, nor yet hes his Hienes consent and allowance bein sought and obtained to that effect, according to the law and custome inviolablie observed thir many yeires bygane: We have therefore thoght meit heirby to advyse yow to considder of this matter, as appertaineth, and wyslie to forsie quhat prejudice sic rash and unadvysed proceidings may draw upon yowr estaites. For we are perswadit, if ye proceid to the haulding of this Assemblie, without his

Majesty's approbation and allowance, that his Hienes will very hardlie digest that matter, and will accompt the same as ane contempt touching his Majestie in a heigh degrie. And, therfor, it is our will and pleasour, and we think it meit and expedient for your own weills, the peace of the Kirk, and for entertaining and cherrishing of that Christian harmonie quhilk sould be betwixt his Majestie and yow, that ye dissolve yourselves, repair every one to his owne home and calling, and suffer this meitting to desert; and afore ye appoynt any new meitting and Assemblie, that ye acquaint his Majestie therwith, quhairby, as ye sall testifie your obedience and conformitie to his Majestie's will and his lawes, swa we doubt not bot his Majestie, upon your own suit and supplication, will in reason give yow contentment and satisfaction heirin. We have at greatter length communicat our mynd in this matter to the Laird of Lawrestoun, one of his Majestie's Privie Counsell, who will at lenth impart the same to yow. And swa we committ yow to God.

"From Edinbroughe the twentie day of Junij 1605.

"Your good friends,

MONTROISE, Commissioner.
ALEXANDER,* Cancellarius.
BLANTYRE,† Secretar.
J. COCKBURNE.‡
JOHN PRESTOUN.§"

By this letter, besydes other preceiding reasons of the lawfull authoritie of that meitting, it may be judged, if it may be trewly alleadged, or yet according to the Counsell's own opinion and knowledge at that tyme, that the Ministers proudlie, seditiouslie and most falslie termed and maintained their convention to be a Generall Assemblie; the letter being direct to them conveined at their Assemblie, and desiring that it sould dissolve without nomi-

* The Lord Chancellor, Alexander, Earl of Dunfermline, see p. 385.
† Walter Stewart, Commendator of Blantyre, and created Lord Blantyre.
‡ Sir John Cockburn of Ormiston.
§ John Prestoun of Fentonbarns, afterwards Lord President.

nation of ane uther day. Heirin again, condition and promeiss maid be my Lord Chauncellour was violat, in that it being agried that a continuatione sould be maid to ane uther tyme, the letter [did] inhibite the appoynting of any day, and so requyred a depairting from that priviledge and ordour established be Act of Parliament, ordained to be observed in all tym comeing be the ordinance of the Assemblie at Halyrudhous, with his Majestie's consent, and heirtofor continuallie practissed be the Kirk. The Ministers, notwithstanding, concluded to dissolve without treating any of the effaires of the Assemblie, allbeit the tyme did most necessarly requyre that they sould have done utherwayes; and offered the designation of the dyet of the nixt Assemblie to the Laird of Lawrestoun, according as he pleassed, long or short, upon whose refuissall, they sett doun their ordinance and answers to the Counsell's letter. The ordinance was as followes:—

"Quhilk letter and desyre therin contained, with the suite and desyre of his Majestie's Commissioner agreeing therto, being ryplie considered be the said Assemblie, and haveing weighed the weightines of the effaires necessar to be intreated,* and rarenes of their own number, (dyvers of the Commissioners being stayed by the tempest of weather,) and willing them, as at all tymes, to witnes† their willingnes to satisfie his Majestie and Lords of the Secreit Counsell in all their reassonable desyres, in swa far foorth as might stand with the Word of God, and testimonie of a good conscience; thoght meit and expedient to continue the intreating of the effaires pertaining to the said Assemblie to the last Twysday of September nixt following, and to dissolve for the present, according to the suit and desyre of the letter forsaid; and ordaines intimation and waiming to be maid to all the Presbitries within the land to choose their Commissioners, and to send them authorized with power, to the said Assemblie to be haulden at Aberdein the last Twysday of September nixt to cum, *Anno* 1605 yeires."

After the quhilk ordinance, his Majestie's Commissioner maid

* Treated of. † Give a proof of.

protestation, that from the begining he did not acknowledge their present meitting for ane lawfull Assemblie, in respect of the absence of the last Moderatour and Clerk ordinar. The Moderatour, Mr John Forbes, in name of the brethrein, protested again, that the said meitting was, and behoved to be, ane lawfull Assemblie, in respect of the warrand of their meitting, on the said day befor specified, subscryved be himselff, the direction of the Word of God, lawes of the land, and continuall custome of the Kirk, and their commissions from their Presbitries and Synods to that effect. Heirupon the Laird of Lawrestoun caused John Wishart, messinger, chairge the brethrein there assembled, to suffer the said Assemblie to desert, under the pain of horning. The tennour of the letters followes :—

"JAMES, &c.—Forsameiklle as allbeit we have signified our will and pleasour, that We cannot be resolved anent the Generall Assemblie afore the approaching Parliament, and the Parliament being ended, that We will have occasion to direct that which is maist expedient for the weill of the Kirk; nevertheless We and the Lords of our Secret Counsell are informed, that in this meantyme ther is ane Generall Convention and Assemblie of the Ministrie appoynted to be haulden at our broughe of Aberdein, in the month of Julij nixt to come, quhairat a number of the Ministrie of this our realme intends to be present, we being nowayes acquainted and forseene therof, nor yet our consent and allowance bein had and obtained to that effect, according to the lawes, acts, and constitutions maid theranent, and to the custome observed heirin thir many yeires bygane; quhairby our direction and commandment in this matter will be violat, heighlie to the contempt and offence of Us, our authoritie and lawes. Our will is heirfor, and we chairge yow straitlie and command, that incontinent thir Our letters sein, ye pas, and in Our name and authoritie, command and chairge the haill Ministrie who sall happen to convein at the said Assemblie personallie, if they can be apprehendit, and failyeing therof, be oppen proclamation at the mercat crosse of Aberdein, that they suffer the said Assemblie to desert, repair every one to his own dwelling and

chairge, and that they on nawayes presume and tak upon hand to convein and assemble themselves togither in ony place, for keiping of the said Assemblie, under the paine of rebellion and putting of them to our horne. As allso, that ye command and chairge the Proveist and Baillyies of the said brough of Aberdein, that they suffer not sic Assemblie, Convention or meitting of the Ministrie to be keiped within that Towne, as the said Proveist and Baillyies will answer to Us and our Secreit Counsell, upon the dewtifull dischairg of their offices. The quhilk to doe," &c.

This chairge being delyvered be John Wishart, subscryved be him, to the Moderatour, redd and considered, the Moderatour, at command of the brethrein, took note and document in the hand of the said messenger, being ane nottar-publict, that they wer readie instantlie to obey the tennour of the said chairge. The said messenger refuissing the benefite of his office in that pairt, the Moderator, with the rest of the brethrein, efter incalling of the name of God, dissolved, and depairted out of the Kirk for obedience to his Majestie's chairge, and went directlie to the Common Clerk's wrytting chalmer of the broughe of Aberdein, and tuik notes and instruments of their obedience to the command and chairge of the saids letters in the hands of the Common Clerk forsaid, and uther two nottars with him; the tennour quhairof followes:—

"At Aberdein, the second day of Julij, the yeir of God 1605 yeirs, in the Common Clerk's wrytting chalmer of the brough of Aberdein, at half-hour to fyve, efternoon, or therby, in presence of his connottars and witness underwritten, compeired personallie the Commissioners of the ministrie of this realme efter following:— They are to say, Mr Robert Durie, minister at Anstruther; Mr Andrew Duncane, minister at Carrel; Mr John Sharp, minister at Killmanie; Mr Alexander Strachan, * minister at Creich; Mr John Forbes, minister at Allfoord; Mr William Forbes, minister at

* In Forbes's MSS. some of these names are incorrectly written, both here and at page 387: viz. Hewingstoun for Youngson; Straquaine for Strachan; Raith and Rath for Raitt; and Roch for Rough.

Kinbethok; Mr James Irwing, minister at Touche; Mr Robert Youngson, minister at Clat; Mr Robert Reid, minister at Banchrie-Trinitie; Mr Charles Ferme, minister at Fraserbroughe; Mr William Davidson, minister at Rathin; Mr David Robertson, minister at Longley; Mr John Munro, minister at Tain; Mr David Raitt, minister at Machar, and Principall of the College of Old Aberdeen; Mr Archibald Blackburn, minister at Aberdeine; Mr James Ross, minister ther; Mr John Rough, minister at Nig; and Mr James Mill, minister at Innerrowrie; and alledged, that they being conveined in the session-house of the kirk of this broughe of Aberdeine, this day, as at the appoynted day and place for haulding of the Generall Assemblie of the ministrie of this realme, they wer chairged be John Wischart, messenger, be vertew of his Majestie's letters, given be act of his Hienes Secreit Counsell, of the dait, at Edinbrough, the 20th day of Junij last bypast, within the space of ane quarter of ane hour since, that they sould suffer their Assemblie to desert, repair every one of them to their own dwellings and chairge, and that they on no wayes presume, nor tak upon hand to convein nor assemble themselffes in any place, for keiping of the said Assemblie, under the paine of horneing,—as the coppie of the saids letters, quhilks they shew to us, connottars and witness underwritten, subscryved, as appeared, be the said John Wishart, messinger, proports:* And that for obedience to the command and chairg of the saids letters, they instantly, efter the giving of the said chairge, and incalling of the name of God, dissolvit without any farder action, and cam immediatlie foorth of the said session-house and kirk, to the said Common Clark's chalmer, at the west end of the Toollbooth of the said broughe, as to the most publict place, to tak notes and instruments of their obedience to the command and chairge of the said letters, and dissolving of the said Assemblie, in the hands of us connottars under subscryvand; and heirupon, they craivit and took instruments, day, month, hour, year, and place forsaid, befor thir witness, Alexander Forbes of Fingask,

* Testifies.

David Ronaldson, John Tillidaff, Mathew Donaldson, John Kemp, baker, Alexander Thomson, skinner, burgesses of Aberdein; Mr George Spence, servitour to the said Mr John Forbes, and Thomas Forbes, son to Thomas Forbes elder, burges of Aberdein.

(*Sic subscribitur*)

"*Ita est* MAGISTER THOMAS MOLLESONUS,
*Scriba Communis burgi de Aberdein Notarius Publicus, ac testis ad præmissa requisitus.*

"*Ita est* MR GULIELMUS REID,
*Connotarius Publicus, in præmissis rogatus et requisitus ad hæc manu sua.*

"*Ita est* WALTERUS ROBERTSON,*
*Connotarius Publicus, in præmissis rogatus et requisitus, testatum his meis signo et subscriptione mqnualibus.*"

Heirafter they departed every man, and conveined nowayes again in any uther pairt for haulding of the said Assemblie. The answer quhilk they made to the Lords of Secreit Counsell's letter, and sent to them, was as follows:—

"THE SPIRIT OF GRACE, WISDOM, AND OF THE FEAR OF THE LORD, BE IN AND UPON YOUR LORDSHIPS FOR SALUTATION.

"HAVING in all reverence resaived, redd and considered your Lordships letter direct to us with the Laird of Lawrestoun, we have therto conformed ourselves in our proceidings, so far as possibllie we aither might or could with the testimonie of ane good conscience; for allbeit we were heir lawfullie assemblled not upon any privat appoyntment of our owne, bot upon the lawfull warrand of God's Word, the lawes of this land, custome of the Kirk, and speciall direction of his Majestie's Commissioner, the Laird of Lawrestoun, and Mr Patrick Galloway, Moderatour of the last Generall Assemblie, with consent of the remanent Commissioners

* In the MS. Rotson, for Rotson, or Robertson.

therof, sent to us in wryt, quhilk we have, and sall be in readynes to produce, to justifie that we have not assembled ourselves without his Majestie's consent and allowance, and so no wayes unadvysedlie, nor in contempt of his Majestie; yet notwithstanding, for satisfieing of your Lordships desyre, whom in the Lord we are and sall be about allwayes to obey, we have desisted, and, upon the sight of your Lordships letter, resolved to desist, from intreating, reasoning, votting, or concluding any of the weightie effaires, quhilk our calling, and necessitie therby layd upon us, in so necessar ane tyme, did inforce us to, and did conclude to dissolve ourselves and depairt to our own particular chairges, only appoynting ane uther day for our Assemblie, quhairunto we have continued all things; quhilk, as it can minister no just occasion of offence to his Majestie nor your Lordships, so it was most necessarlie requyred of us for dischairge of our dewtie to God, the Kirk, and our own consciences, lest by the testimonie of all these thrie we sould be found and judged the very first and only abrogators of the lawfull jurisdiction, libertie and priviledges of the Counsells of God's house, for ordering therof,—quhilk our deserting of this present Assemblie, without affixing ane uther particular day therunto, had plainlie imported; and farder, we sould have bein found manifest oppeners of ane gap to the oppen breach and violation of the lawes and statutes of this realm. Quhilk being considered be your Lordships, we doubt not bot your Lordships will apprehend and weigh, how both unnecessarly, unadvysedlie, and unjustlie, such wrong sould have bein used against us be the Laird of Lawrestoun, as to have execute any chairge of horning, for obtaining that, quhairunto we had allreadie given all humble obedience, at the suit of your Lordships letter and requeist. Swa looking that our obedience sall purchase your Lordships favourable asistance, at his Majestie's hands, to mak his Hienes reason to be satisfied, and favourablie to permitt unto us the libertie established, both in the Word of God and his Hienes lawes, we hairtillie and humbllie committ your Lordships, and all your proceidings, to the mercifull direction and protection of God.

"From our Assemblie at Aberdein the 2d of Julij 1605."

Let the indifferent Reader here judge quhat aither schow of disdaining his Majestie's authoritie and royall comandments, or appearance of contempt, was herein committed be the Ministers, quhilk justlie might minister matter of offence to his Majestie, as is alledged in the forsaid book of "Declaration," page 14; let be of avenging himselff by justice, and the ordinar course therof upon them; and quhat aither justice, or ordinarie course therof, was keeped by these that efterward did persew them so extraordinarlie, as will appear in the proceidings following: or yet quhat strange errour they had fallen in, or aberration, that by such extreamitie they behoved to be called bak again to the path-way of obedience, who as yet had fallen in no schaddow of disobedience: and if there be any thing in this haill course, either to be pitied, or esteimed abominable, whither it be not raither in those who, being judges professing Christ, did so pervert justice against the servands of Christ, for doeing his will and work of their ministrie: or, if it be in the ministrie, whither it be not rather in sic as, contrair to their calling and lawes of the land, did associat themselffes in judgment with those counsellors, against their brethrein, as in the historie of their trouble subsequent will appear.

Upon Thursday the 4th of Julij, by reason of the forsaid deceitfull errour of the Commissioners letter, cam to Aberdein, sent to keip the Assemblie, from the provinces of Air, Galloway, Tividaill, Lowthiane, Mr John Welsh, Mr Nathaneell Inglles, Mr James Greg, Mr John Young, Mr Thomas Abernethie, Mr Archibald Sympson, Mr Nathaneell Harlaw, and Mr Abraham Hendersoun; who, finding the Assemblie dissolved befor their coming, resaived ane authentick coppie of the processe therof, subscryved be Mr John Forbes, Moderatour, and Mr John Sharp, Clerk, delyvered unto Mr John Welsh be the said Mr John Forbes, and past to the place quhair the Assemblie was haulden, and took note and instrument, that they were come according to their commissions, to have keiped the said Assemblie with their brethrein; bot finding it dissolved befor their coming, and haveing resaived ane just coppie of the proceidings therof, subscryved lawfullie be the Moderatour

and Clerk, they, for fulfilling of their commission, protested and took instrument that they, in their own names, and in the names of those who did send them, ratified and approved the haill proceidings of the said Assemblie.

On Fryday the fyfth day of Julij, cam John Ross from the Synod of Perth, in lyk maner direct to the said day, upon the unspyed errour of the Commissioners letter; who haveing heard by these who cam the day befor, quhat had bein done, did in lyk maner, in the place quhair the Assemblie was halden, tak instrument of his approbation, in name of these who sent him, both in words and substance, agrieing with the former.

## CAP. XI.

### A SHORT NOTE OF THE CALUMNIES UTTERED IN THE FORESAID DECLARATION AGAINST THESE MINISTERS FOR THEIR MEITTING AT ABERDENE.

These are the persons who conveined out of eight sundrie Synods; this was the maner and form of their conveining; and this is the substance of all their proceiding; quhilk hes bred such miscontentment, and hes bein with so violent a hattred both of Counsellors and Commissioners, so extreamly persecuit in the persons of these men; allbeit nothing was done by them except a new dyet appoynted, [and] all things therto continued.* Concerning the persons of them who conveined, they wer such as to whom their brethrein wer not ashamed nor affrayed, (quhatsoever opprobreous show of the unworthines, inabillitie, and small gifts, in these persons is made in the foresaid book of "Declaration,") to committ the credit of so grave a commission in so weightie a matter; God so disposing for his own glorie, who will have the praise to himselff alone, of that power and wisdome, quhairby, in the most weak and vylle, he does magnifie himselff against the power and wisdom of this world; when as yet sould appear, that quhatsoever excellencie

* Delayed.

of power is found in them upholding them, in so grevious tryells, quhairwith he was to exerceiss them, was not of themselffes bot of God, in whom alone all creatours sould glorie: quhairof, if Christians in thir dayes did rightlie remember, and wer not raither led by nature then by grace, they would not have so, in respect of the persons depryved God of his just praise, in reproaching the proceedings, becaus of the persons, seeing it pleasses the Lord to mak his power perfyte through weaknes. Bot so it is indeed, that these persons are most content to rejoyce in their infirmitie, reproaches, persecution and anguish for Christ his sake, that his power may dwell in them, and his vertew [be] maid manifest in their weaknes, leaving it so to uthers to glorie in themselffes for that quhilk is not their own. Yet may it appear strange, when sic persons of sic inabillitie, unworthines, and small gifts, could so overrulle (as is alleged in the "Declaration") the rest of their pure [poor] brethrein, and get such advantage over them by reason of their simplicitie, (too simplle indeid if by such they sould be overrulled,) as to have them in a maner tyed to their girdles, to consent to any thing quhatsoever.

This farr is knowen, that if these men had bein so overrulled with a burning desyre of vain glorie, that they would labour to mak themselffes famous, as by the foresaid "Declaration" is affirmed, they neided not follow that burner of the Temple of Diana, haveing oft refussed the chieffest preferments, whilk now are so greedillie imbraced be these who, stryveing to cover their infamie, and to escaip the just deserved punishment of their shamfull perjurie and apostasie from the sinceritie of the gospell, have with that temple burner, sett fyre in the Hous of God with spytfull violence, seiking the overthrow of their brethrein, whose lawfull proceidings, according to the established and daylie practeissed order of government of this Kirk, did somewhat imped their resolution, by overthrowing therof to induce * the abjured and damnable disorder of that antichristian Hierarchie.

Surelie if his Majestie's purpose was, conforme to his Hienes

* Gibson's MS. has, "to bring in and set up."

lawes, his most Christiane profession, oath and subscriptione, to maintaine that Government quhilk in his foresaid Act of Parliament, 1592, is acknowledged be his Hienes and his Estaites to be most just, good and godlie in the selff; quhilk only in thir respects must neids be most comelie, and allso most able, both to preserve puritie of trew profession, and to procuir the establishing of a solide peace and quyetnes in this Kirk; ther can be no envy nor grudging, at the progresse of such a good matter, espyed in these Ministers who convcined at Aberdein, neither any purpose to hinder or crosse so good a work, bot, by the contrair, ane earnest intention, and purpose, and desyre, to maintain and preserve the samen. Bot if the authors of the said "Declaration of the Just Causses of his Majestie's (or rather, their own) Proceiding against those Ministers," do understand by that solid and comlie order, that quhilk was not so much his Majestie's purpose, as their advyse and intention, by abolishing of that only just, good and godly jurisdiction and government of this Kirk, to bring in again,—that image of the Beast, most fit, indeid, for the impuritie of their profession, (and so it appeares they mean by these words, in their own reassons, in their Declaration, "puritie of our profession;") in that caice these Ministers are no wayes to deny their purpose and endeavour, to the uttermost of their power, both in his Majestie's presence and absence, to resist sic iniquitie, albeit neither be secreit suggestion, false calumnies, plotting or combination, bot by oppen profession and declaration of the trueth, and testification and maintainance thereof, according to their oath and covenant maid with the Lord of Lords and King of Kings, in most lawfull and orderlie maner, conform to their calling; quhilk, indeid, is the trew cause of such extreame rigour used against them be these Counsellors, who, in their declaratione proponing all things in generall, without specifieing in particular quhat is the government be the ministrie impugned, do subtillie insinuat in the mynds of the simple ane suspition of some unlawfull opposition maid be them to his Majestie's lawfull and godlie intentions, knowing that if they had opened up the particulars, they sould have maid their

own iniquitie manifest and Christ's ministers innocencie evident to all men. Bot leaving all things to the "Declaration," quhilk their proceidings eftenward sall make of their mynd to the Reader, we cum to that quhilk ensewed; for the quhilk we have speciallie sett down the former description of the Estaite of the Kirk in this land.

# THE SECOND BOOKE.

CONTAINING THE IMPRISONING OF THE MINISTERS THAT WER COMMISSIONERS AT THE ASSEMBLIE OF ABERDENE, TOGETHER WITH SUCH THINGS AS FOLLOWED THEREAFTER, UNTILL THE PARLIAMENT OF PERTH, AND BANISHING OF THE MINISTERS.

## CAP. I.

TOUCHING THE IMPRISSONMENT OF THE SEX MINISTERS COMMITTED TO THE CASTELL OF BLAKNES.

The Laird of Lawrestoun, fearing that the Commissioners, whose authoritie did now cease, sould be all meanes procuir his disgrace, becaus he had suffered the Assemblie to be fensed, and ordourlie continued to ane new day, be advyse taken in his returning southward to Edinburgh, did privilie resolve to suppress the charge given personally to the Ministers, and instead therof, did cause the officer indorse, as thogh the letters had bein publictlie execute at the mercat crosse of Aberdein, against the Ministers, on Monday the first of Julij, befor their Assemblie; heirby to bring the ministers in danger of rebellion by a forged and fals execution, becaus, utherways, he could not sie how to bring aither themselffes within the compas of a law, or to get their proceidings quarrelled as unlawfull. Yet so it pleassed the Lord to govern that matter, that before his coming to the Counsell, Mr John Welshe, in his returning home, went to the Chauncellor; and he enquyring, If there was any act maid against the Bischops and Commissioners? he assured his Lordship there was none maid, neither any uther thing done except the continuation; and to verifie that, did show him the authentick coppie of the proceeding of the Assemblie,

together with the protestation of their ratification therof, and informed his Lordship in all that was done at the Assemblie:— Quhilk he approved and allowed, affirming, that if there was no more done, there was no wrong done; and that Mr John Forbes was ane honest man, and had keiped promeiss to him.

Therefter, lykewayes, Mr James Balfour, and Mr Walter Balcanquell, ministers of Edinburgh, went to the Chauncellour, who being informed, that ane Act had bein maid in Aberdein against the Bischops and Commissioners, accuissed Mr John Forbes to them of break of promeiss; quhairin, they haveing resolved his Lordship that no sic Act was maid, nor any thing done, except the fensing of the Assemblie, and continuing it to a new day, his Lordship againe approved their proceidings, testifieing that if there was no more done, there was no wrong done. Upon this testimonie, the Ministers being in securitie, and expecting no trouble, the Laird of Lawrestoun did give in to the Counsell the forsaid forged chairge and indorsation, and pretended publict execution of the forsaids chairge, containing two witness allanerlie, * both his own domesticks, and complaining heavillie upon the ministers, as contemners of his Hienes command, adding many uther callumnies, as efterward will appear, earnestlie dealt with the Lords to direct ther uther letters for denouncing them to the horne. At whose desyr, allbeit the said pretendit execution was contrair to the direction given him be the Counsell, at his goeing to Aberdein, they haveing commanded him to use no chairge, untill first he sould resaive answer to their missive letter; and allthough it was against all preceiding example or practeiss to pas sic ane ordinance, the pairtie never being called to answer, and was so maintained be divers weill affected of the Counsell; yet did the forsaids Lords, glaid of sic occassion against the Kirk, ordaine letters to be direct *simpliciter* to denounce all that wer at the Assemblie, the second of Julij, to the horne. Quhilk coming to the knowledge of Mr James Balfour and uthers, the ministrie in ther pairts, they did earnestlie travell with the Chauncellour and remanent Lords, that

* Only.

sic a preparative, so contrair to all lawes and custome, heirtofor observed, sould not pas against the persons of their brethrein; bot they could prevaill nothing. Quhairupon they maid adverteisment to their brethrein in all pairts, against whom the saids letters wer direct, that they might repair to Edinbrough for their own releiff. Quhairupon, Mr John Forbes coming from the North, and finding diverse of the rest of his brethrein in Edinbrough, they resolved to give in ane supplication to the Counsell, desyring to be hard in that matter, and ane day appoynted to them to heir and sie the said pretendit chairge and execution reduced and improven as fals and forged, and lykwayes their reasons, quhairfor no sic chairg could nor ought lawfullie to be direct against them in the execution of their callings, willing and requesting the Lords, in the mean tym, to suspend their forsaid ordinance allreadie maid in their prejudice, and execution of the letters of horning against them to be stayed.

Whill they were conveined for penning of this supplication on Thursday the 25th of Julij, the Lords of the Council and Commissioners of the Kirk understanding that Mr John Forbes was come to the toun the night before, they conveined themselffes be sex hours in the morning, to wit, the Earle of Montrois, Great Commissioner; the Earle of Dumfermling, Lord Chauncellour; the Earle of Dumbar, Lord Thesaurer; the Laird of Ballmirrinoch, Lord President; Sir John Skene, Lord Controller, and Sir Thomas Hamiltoun, Lord Advocat, Knights; the Laird of Lawrestoun; and with them some of the forsaids pretendit Commissioners, of whom some had resaived the style and title of Bischops, Mr Patrick Galloway, Mr John Spottiswood, Mr John Hall, Mr James Nicollsoun, Mr Andrew Lamb, Mr James Law, a mixture in judgment of civill effaires in Counsell, uncouth, unaccustomed, and heirtofor in this land neither practeissed nor heard of: who directed ane meassor [macer] to Mr John Forbes, without any chairge, desyring him to cum and speak with them; who, coming befor them and being demandit of certaine questions touching the said Assemblie, and speciallie quhat was his judgment touching the lawfull-

nes of it, answered, that it became him not to judge of that actione quhairin himselff was ane actour, but did, [with] all humilitie, submitt himselff and proceidings in that wholl Assemblie, to the judgment of the nixt Generall Assemblie. Yet still being urged upon his privat oppinion, he did give it without prejudice of the judgment forsaid, to the quhilk he did submitt himselff in approveing of the lawfullnes of that Assemblie. Quhairupon, without farder occasion, accusation, or conviction of any offence or cryme, he was commanded to enter in waird in the Castell of Edinburgh, till he sould be transported to Blaknes. Quhairat he greatlie marvelling, seeing no mention at all was maid of the forsaid pretendit chairge, nor any disobedience therof objected to him, bot only the not obeying of the Counsell's missive, he demandit of their Lordships for quhat cause he sould enter in waird. The Chauncellor answered, Becaus it was the King's will. Quhairupon he was delyvered to the guard and convoyed to the Castell, quhair he entered in waird. Therefter, from the forsaid compossed Counsell, a sumonds was direct with ane meassor, [macer] against Mr John Welsh, who was not at the Assemblie, bot only was one of these who afterward approved the proceidings therof, chairging him to compear befor the Counsell upon the morne, at sevein houres in the morning; quhilk summonds was execute against him about nyn hours, as he accompanied with Mr Robert Durie, Mr Andrew Duncane, and diverse uther brethrein, wer going to the Castell to visite Mr John Forbes.

Thus it may appear, whither of malice against particular persons, or of any just occasion of offence in their proceidings, this trouble was intendit, quhen, passing by those who wer at the Assemblie, (allbeit present at that time,) these first were chopped, who, in the judgment of all, were knowen to have bein particularlie mislyked be these Counsellors and Commissioners, for no uther cause bot that they could not wink at the enimitie of the one against Christ, nor bear with the cruiked courses of the uther. In the quhilk dewtie, allbeit the rest were all alyke myndit, yet, becaus these two were esteimed of the Counsell and Commission-

ers to be most fordward, therfor was their wraith cheiflie intendit against them, allbeit experience therefter did teach them, that there was no less sinceritie, courage, and constant resolution in the rest of the brethrein, against their corruption and wickednes, and for the trueth, then in these two whom they so much feared.

These are they two of whom it is reported in that "Declaration," that his Majestie had most just cause of offence against, the one for his great oversight in former tyme, and that the other had, most undewtifully in that same actioun, maid breach of some promisses, maid by him unrequyred to his Majestie himselff, very few months before: the first being spoken of Mr John Welsh, becaus befor he allways had, in the most fervent zeal, declared himselff enemie to quhatsoever intention in King and Counsell quhilk was contrair to the trueth of God and only trew government of his house. Quhairupon, efter the foresaid trouble in Edinburgh, raised the 17th of December 1595, as said is, he having both gravely, wiselie and solidlie, in great libertie and friedom of the Spirit, in the pulpit of Edinburgh, uttered the counsell and will of God to his Majestie and his Counsellors, not spairing to rebuik their knowen enormities, was forced for fear of his lyfe, being most hatefullie pursewed and sought for, to escaipe by withdrawing himselff, as the ministers of Edinbrough were lykwayes forced to doe, for a tym. The other being meant be Mr John Forbes, who laitlie had bein in England, and had conferred with his Majestie upon the estait of the Kirk in Scotland, of whom how unjustlie this is affirmed, the preceiding narration of his communication with his Majestie will evidentlie declair. Bot what is not frie to these men to speak, who make no conscience to give out in print impudent forgeries against a knowen trueth, as the book of the "Declaration of the Causes of their Proceidings against the said Ministers," doth cleirlie make manifest to all who are never so slenderlie acquaint with that matter.

Bot to give one proof for all of their disposition, the Chauncellour, notwithstanding of his former approbation of the things done at Aberdein, and of Mr John Forbes his honestie in keiping promeiss

therin; yet, efter report maid to his Majestie, finding that it was his Hienes will to quarrell with that Assemblie, he was not aschamed to lay it to Mr John Forbes his charge, quhen he was befor the Counsell, that he had broken promeiss to him in that matter: who being answered be the said Mr John, that promeiss was keiped be him als honestlie in that errand, as ever was be any with whom his Lordship dealt during his dayes, his Lordship maid no farder reply, bot that he had forgot himself then, if it was so. This conference betwixt the Chancellour and Mr John Forbes was marked and put up in memorie be the Bischops and Commissioners then present in Counsell, especiallie be Mr John Spottiswood and Mr John Hall; by the quhilk, althogh at that tym they took occasion to traduce the said Mr John, yet efterward did they take their advantage at his Majestie's hands, to procuir the Chauncellor his disgrace, as suspected to be an enemie to the Estait of Bischops.*

That day the Supplication forsaid, penned be the Ministrie, for intreating the Counsell to suspend the execution of their ordinance touching their horning, till they sould be heard to improve the alledged execution, given in be Laurestoun, was presented to the Counsell, but rejected and refused to be red.

Mr John Welsh, upon the nixt day, compeiring befor the Counsell, because he refuised to give his opinion before he heard the questions to be demandit of him, was committed to the Tollbooth, and both he and Mr John Forbes transported the same day to Blaknes be the guard, and, according to the direction of the Counsell, inclossed straitlie in severall houses, † and keiped from the companie ane of uther, and all other societie quhatsoever, no creatour, except their keiper, haveing access to them. But efterward, Mr John Welshe, upon his offer to give his oath upon the poynts contained in his summonds, the law inhibiting that any sould be compelled to give his oath *super inquirendis*, was sent for to Edinbrough, the 2d

* He was suspected by the Bishops of being opposed to their temporalities. A particular account of the affair referred to in the text is given in the 12th chapter of this Book.

† Gibson's MS. "roomes."

of August. The quhilk day allso compeired befor the Counsell, Mr Robert Durie, Mr Andrew Duncan, Mr Alexander Straquhane and Mr John Sharp, beeing all summoned befor the Counsell the said day; who all being examined upon the same things quhilk had bein proponed to Mr John Forbes, their answers agrieing all in one, allbeit severallie examined, and being in substance haillie conform to that answer given be Mr John Forbes, wer all commanded to enter in waird within the Castell of Blaknes, quhair the said Mr John was, within the space of twentie-four hours.

The same day conveined the lait Commissioners of the Generall Assemblie at Edinbrough, and notwithstanding of the ordinance touching their commission maid in the Assemblie at Halyrudhous, 1602, That it sould be given and used according to the Acts of the Generall Assemblie, quhilk plainlie ordained commissions to be given with limitation, and to continue only to the Assemblie nixt following; yet did they tak upon them to convein, censure, and judge of the Assemblie at Aberdein, the 2d of Julij, and to condemne the same; the brethrein who had keiped it being neither citted, heard, nor requyred to answer. This did they to maintain themselffes in their usurped authoritie and jurisdiction, lest, if that Assemblie of Aberdein sould be allowed and reput lawfull, the power of their commission limited to the nixt Assemblie sould cease; quhilk was the caus quhilk moved them to insist so rigorouslie against their brethrein, to compell them to confess their Assemblie unlawfull, and so of no force nor effect. Mr John Welsh, Mr Robert Durie, Mr Andrew Duncane, Mr Alexander Straquane and Mr John Sharp, according to the forsaid direction of the Counsell, entred in Blacknes the thrid of August.

This is that superabundance of lenitie and patience alledged in the book of "Declaration" forsaid, (p. 14,) used towards these ministers, in suffering them to stay so long at home, efter their Assemblie, befor they wer committed, and spairing of them so long unbrought to their answer, and superceiding the ordinar course of law against them: the first two being committed the 25th day and 26th of Julij, and the uther four, the thrid of August. Yet in

one thing may the said alleadgance be granted; for surelie the course used against these ministers be the Counsell cannot weill be called ane course of law or justice against them, meikle less ane ordinarie course of justice, seeing no law, and therfor, no justice, does permitt that frie subjects, naither suspect of treason, nor convict of any cryme, sould be committed at the Counsell's will and pleasour allanerlie. Yet to mak it more manifest quhat cair these Counsellors had to use the ministers of Jesus Christ according to justice, they caussed denunce them to the horne upon their forsaid act, procured be Lawrestoun, upon the false and forged execution, ane number of dayes efter they had committed them, contrair to all law or practeiss preceiding. And allbeit earnest travell and moyan was used be diverse of the ministrie, sent in commission to that effect from sundrie Synods and Presbitries of the land, as allso be certaine noblemen, barrons, and gentellmen, to obtain releiff and deliverie upon cawtione, to the said ministers in Blakness; yet could no favour be purchassed to them, except they would have acknowledged their Assemblie to be unlawfull, confesse ane offence committed be them for haulding it, and be their own judgment and sentence condemn and annull it.

The Counsell, in signe of their clemencie, hearing of the consolation quhilk these ministers enjoyed from God, through their fellowship in the crosse of Christ, did give out ane warrand to the guard, to transport Mr John Forbesse, Mr John Welsh, and Mr Robert Durie, to Dumbartoun; quhilk directioun the Lord in his mercy stayed by his providence, that it was not put in execution, to their singular comfort. Therefter, the Counsell did publish two proclamations about the twelff of August, the one dischairging all Presbitries to direct any Commissioners for keiping the Assemblie, appoynted to hauld at Aberdein the last Twysday of September, and inhibitting the brough of Aberdein, and all others, to resaive or admitt sic as sould be sent: the uther inhibitting all Synods, Presbitries, Sessions and Ministers, to authorise, approve, justifie or allow, the Assemblie haulden at Aberdein, the 2d of Julij bypast, aither privatlie or publictly, in their meittings, con-

ferences, or sermons; and that, (besyde uther pretended reasons,) becaus the said Assemblie was disallowed and condemned be the Commissioners of the Generall Assemblie.

About the sextein of August, befor the proclamation was published, Mr Hendrie Blythe, minister of the Cannogait in Edinbrough, was committed to Blaknes, becaus in his sermon he had heavillie regratted the hard and rigorous intreatting of Mr John Forbes, and Mr John Welsh, at their first entring in waird. Yet could not that proceiding stay the libertie of uthers, in diverse pairts of the countrie, in rebuking the iniquity both of Counsellers and pretendit Commissioners of the Kirk, in committing their brethrein, the servants of Jesus Christ, to prisson, they being naither chairged, called, nor convict for any cryme; quhilk moved the Counsell to intend the lyk against certaine of them who spak so, speciallie against Mr James Ballfour, and Mr Walter Balcanquell, ministers of Edinbrough: bot they desisted for fear to provok farder indignation against themselffes for sic unjust severitie.

At this same tyme, Mr Robert Bruce, who had bein, by the pollicie of the said pretended Commissioners, restrained from his chairge and ministrie of Edinbrough for the space of five yeirs, under pretence of wairding him be his Majestie sic a space from Edinburgh, was committed to waird in Inchgarvie.

## CAP. II.

THE SECOND BRINGING OF THE MINISTERS, THAT WERE IMPRISSONED IN BLACKNES, BEFORE THE COUNSELL, AND INDEVOUR OF THE COUNSELL BY INTERROGATOURS TO INTRAPPE THEM, AND BRING THEM WITHIN THE COMPASSE OF A LAW; AND THE MINISTERS ANSWERS.

The answers of the ministers committed to Blacknes concerning their Assemblie being sent to his Majestie, his Hienes, according to the information he had resaived, did return his will, directing certaine Questions to the Counsell to be proponed to the Ministers,

thinking thereby to bring them by their answers to some inconvenients, as though they could not answer the questions, bot they behoved aither to condemne sumthing of ther own proceidings, or give sum advantage to his Majestie in that quhilk speciallie he sought. Heirwith, allso, did his Majestie send ane letter, containing a refutatione of the defence used be the ministers for their Assemblie, and proveing the authoritie of their meittings to flow from the Prince, as it is sett doun in the book of "Declaration"; quhilk letter the Counsell keeped back from the ministers in waird, and sent it to the Presbitries, requyreing it to be published in the pulpits as a trueth so certaine and so solidlie sett doun, that none could call it in controversie. Yet the Presbitries, persaiving how prejudiciall it was to their trew Christiane libertie, and how little besetting the dignitie of the Prince, to publishe ane Declaration of such a stamp, so different from the print of his Majestie's coyne, and so contrair to his Hienes's both wisdom and pietie, they refuissed the publication thereof; and be the contrair, some did pen ane answer to it, oppening up the insufficiencie of the arguments therein contained, and, by many reasons, both justifieing the Ministers proceidings and proving the authoritie of the Assemblie to be immediatelie from Christ.

The Questions wer sent by the Counsell to the ministers in Blaknes, the 24th of August, with ane chairge to compeir befor them at Perth, the 27th day of that same month, to answer to these interrogatours quhilk follow:—"1. What is ane Generall Assemblie? 2. Whither, in one kirk in one kingdom, at one tym, there might be two Generall Assemblies? 3. Whither is it not requyred, that at sic publict Assemblies there be sum Commissioners at the least out * of every diocese in the kingdome? 4. What number of brethrein, at the fewest, is requisit to make sic ane Assemblie? 5. Whither any coming there without commission may be accepted in the number of the assembled brethrein? 6. Whither hes it bein ane usuall form in the Assemblies, that the Moderatour of the preceiding Assemblie, efter a sermon maid be

* *Gibson's MS.* "one."

him, did then give over the chairge; untill quhilk tym he ever continued Moderatour, and if sicknes impedit him, he then dischairged himselff therof be wrytt? 7. Whither does not Mr John Forbes continue Moderatour, and must he not dishairge himselff therof at their nixt meitting; and if so be, upon quhat reason did they proceid, without the presence of the Moderatour of the last preceiding Assemblie? 8. If he was absent without lawfull excusse, quhairfor did they not censure him? 9. If there had bein, in sum uther pairt of the countrey, the number of als many ministers, at that sam tyme, quhilk of the meittings sould have been compted the Generall Assemblie? 10. Whither may the place of meitting appoynted in the former Assemblie be altered, and be whose direction? 11. For quhat cause was Lawrestoun, being the King's Commissioner, removed at their consultation; who, be his office, sould at all tymes ever have bein present at all their proceidings, and without whose presence there could be no lawfull Assemblie? 12. Why were they not removed that were upon the lytes to be Moderatour; quhilk was ane usuall and lawfull forme, ever heirtofor in sic caices? 13. Whidder ane Assemblie may be haulden without ane lawfull Clark admitted, or, in caice of his sicknes, or just caus of his absence, by his substituts? 14. Whither may a Clark, admitted dureing his life, be dispossessed be ane new Assemblie, without sufficient cause of deprivation, and sufficient cognition? 15. Whither may a Clark serve in that office before he give his oath? 16. Whither did their new Clark give any oath? Who was Clark to the giving of it? Or quhat record was maid of it? 17. Whither doe they think that the presence of two persons only for all the bounds lying be-south Forth, containing thretteine shires, besydes stewartries and bailzeries, and being allmost the half of the wholl kingdome, was sufficient eneughe to mak a full Assemblie? 18. Whither may a new Assemblie, conveined be his Majestie's warrand, and the lawfull and ordinarie Clark, disprove and condemne all their proceidings at Aberdeine."

The nixt day, efter the chairg and delyverie of the saids Questions, being the Lord's day, Mr Peter Hewet, minister at Edin-

brough, and James Primrose, scryb to the Secreit Counsell, went to Blaknes in commission from the Lord President to the ministers there, promeissing them a dischairge of their appearing at Perth befor the Counsell, if they would mak a favourable declaration of their proceidings in their Assemblie, and give discreit answers to the interrogatours, so as his Majestie must be satissfied and contented; unto whom the answer following was delyvered in wrytt, to be given to the President, upon condition, that if it wer accepted, an answer with the promeissed dischairge, sould be at them the nixt day, before the sun rysing: if it wer refuissed, that allwayes their wrytt sould be returned to them again at the said tyme, and not be prejudiciall to the answers quhilk it sould pleas the Lord to make them give at Perth:—

"Please your Lordship, we are most willing to satisfie your Lordship's desyre, both touching the declaration of our proceidings in the last Assemblie, the grounds that moved us therto, and our purpose therin, and allso touching sic answers as we sould give to the interrogations at greatter length then this tyme could suffer, or the dewtie that we ought to God in his worship this day could permitt. As to the first, this is the trueth, in the sight of God, that partlie our dewtie to God, according to his Word, in our calling; pairtlie our dewtie to his Kirk, in procuiring the weillfair therof according therto, in the lawfull use of the liberties therof, quhilk her Lord hes granted her, quhairof her frie meitings is ane of the chieff; pairtlie the conscience of that Covenant quhilk we have sworne and subscryved, binding us to a constant continuance in obedience and maintenance, both of the doctrine and discipline of this Kirk, according to our calling; and lastlie, that obedience quhilk we ought to our brethrein, who gave us commission to keep the said Assemblie, according to the appoyntment and direction of the letter send from Perth be the Laird of Lawrestoun and the Commissioners of the Generall Assemblie, were the grounds that moved us to goe and keep that Assemblie; quhilk Assemblie, and the keiping therof, as we are throughlie resolved, are sufficientlie approved and warranted be his Majestie's lawes.

This is the trueth, in our conscience, of the grounds of our meitting. As for the motives, we protest, in the presence of God, there was neither thoght nor purpose in us to offend his Majestie, let be to utter any contempt of his Hienes authoritie, bot the fear of a more then evident irruption upon the lawfull liberties of God's Kirk, and established order thereof according to God's Word, be some of our brethrein intending to establishe of new that abominable hierarchie of the Romish Antichrist, long since confuted by the Word of God, abolished be the lawes, and abjured in our forsaid covenant. What we did in this meitting, the proces allreadie produced to your Lordship will sufficientlie declair, quhairin we forced the Laird of Lawrestoun to nothing bot that quhilk he did of [his] own accord.

" As to the Questions, sic of them as are generall, concerning the haill bodie, we think it belongs to the haill Kirk, to wit, ane lawfull Generall Assemblie, to defyne and resolve them, (and not to us who are particular members therof, being now cited as *rei*); unto the quhilk we have bein, and still are readie to submitt ourselves, and our haill proceidings, to be judged according to the Word of God. As for sic of them as concerns our particular fact, as namelie, the 7th, 8th, 11th, 12th, 16th, 18th; this is our mynd. [As] to the 7th, Mr John Forbes was Moderatour of the last Assemblie, and so continewes. It were meitt he sould teach at the nixt, although it be not absolutlie necessar. As to the 8th, Answers, He was not censured, becaus he was absent, and becaus the Assemblie continued [delayed] all things at the Counsell's desyre. As to the 11th, He removed himselff willinglie, and of his own accord, the door being continuallie patent, and nothing done quhairin his consent was not first craived. As to the 12th, It is ane indifferent thing, and hes bein indifferentlie used befor, and at this tyme speciallie, becaus the brethrein resolved to make choyse of him whom Lawrestoun had named to be mouth. As to the 16th, He was a minister who had given his oath of fidellitie to the Kirk, at his entrie, in all things that pertained to the weill therof. As for the 18th, It is answered befor, that we

are willing to submit ourselves, in our proceidings at that Assemblie, to the judgment of a lawfull Generall Assemblie, according to God's Word."

The Ministers, perceiving the drift of these questions, did purposelie eschew the answering of the generalls, and did so spairinglie mell with the particulars, that they might disappoynt the purposse of sic as earnestlie * intendit to bring them in controversie with his Majestie, in these same things, quhilk they did greatlie † practeiss to the hurt of the Kirk.

Answer was not returned according to promeiss. The nixt day, therfor, the sex Prissoners wer convoyed be the guard to Perth the 26th of August. The 27th the Counsell sat, efter the sermon had be Mr William Cowper, in great evidence of the Spirit, against the corruption intendit in the Kirk, and present trouble of the servants of Christ. The Ministers being called severallie compeired; first, Mr John Forbes, desyring that, in that matter quhilk was alyke pertinent to them all, they might be suffered joyntly to give their answers. Quhilk being denyed, efter many reasons why he could not be haulden to answer after that maner that he was sought, to sic interrogatours concerning the estaite of the haill Kirk, and offering to give his judgment and privat oppinion *extra judicium*, for Christian resolution, to any who, in a Christian maner, sould requyre the same; it being still urged be the President, to answer as he was requyred, in respect it was his Majestie's will, he did give in, in wrytt, the answers following, devysed and penned befor by the Brethren for that purpose, fearing that they sould be compelled to give some answer, or then be given out as despyssers of his Majestie's will and command:—

"These Interrogatours are of two sorts; sum are theatick or generall, and sum are hypothetick, concerning our own particular fact; bot unto neither of them ar we haulden to answer at this tyme and in this place for the reassons following:—

"1. Becaus we understand there is no law binding us to doe so.

* Gibson's MS. "craftilie." † *Ibid.* "quietly."

" 2. It is contrair to a protestation maid be the Kirk at Perth, in the Generall Assemblie haulden the 4th of Mairch, 1596; quhilk protestation was admitted be his Majestie, as the Register of our Assemblie beares, quhairin it was speciallie provydet, That matters proponed sould be reassoned, votted and concluded, according to the Word of God and good conscience, in the ordinarie place of the Assemblie.

" 3. Becaus it is agreed upon in the decision of his Majestie's Questions proponed at the same Assemblie, that doubts sould be proponed *decenter*, at right tym and place, *animo ædificandi, non tentandi;* quhilk act we craive to be keiped.

" 4. Questions concerning the generall Kirk sould not be answered be particulair persons, haveing no lawfull calling from the generall Kirk therto, leist they sould erre and prejudge the libertie given be Christ to his Kirk; and sum of them are allreadie decydit be the Acts of the Generall Assemblie.

" 5. Allbeit they wer proponed, as said is, and we had a calling to answer, we have not had sufficient spaice nor occasion of meanes, to be sufficiently advysed and resolved in matters of sic weight.

" 6. We are readie, and here we offer, as members of the bodie, conjunctlie in ane Generall Assemblie, to give answer to all thir questions, and submitts ourselves and our haill proceidings in our last Assemblie to be judged therby, according to the Word of God and constitutions of the Kirk.

" 7. As to the particullar and hypothetick interrogatours, the tym hes not suffered us to answer them presentlie; bot we sall doe it with all expedition, in the full declaration of our haill proceidings at our Assemblie, quhairby, not only hoipping, bot we are most assured, that we sall sufficientlie content his Majestie against all the slanders quhairwith we are burdened."

Thir answers being red, the Counsell urged Mr John to give direct answers, in particular, to every question; bot he refuissed to answer farther nor he had given in be wrytt. Quhairupon, [he] being removed, the rest of the ministers wer severallie called, and requyred to answer severallie to every interrogatour; bot they all

adhered to the common answers given in in wrytt be Mr John Forbes.

The Counsell calling for the guard to convoy the ministers back to their waird, they desyred first to be heard, and, being admitted, they humbllie besought the Lords that they would no longer punish their bodies by imprissonment, they being persons frie be the law, and unconvict in any cryme or offence; bot if they had any thing to lay to their chairge, quhairof their Lordships might be judges according to the law, that they would either, by speedie tryell, end their troublle, or then suffer them to repair to their chairges, upon sufficient suretie, sic as their Lordships pleassed to devyse, to have them answerable to the lawes, quhat tym they sould be requyred upon lawful premonition. This their suit was rejected, and they delyvered to the guard, to be convoyed the nixt day to Blaknes. Heirupon they essayed, if they might procuir that favour as to have libertie for fyfteen dayes, to provyde things necessarie for their waird, in respect sum of them had bein taken upon the sudden, without wairning or premonition, and by [beyond] all expectation were committed, haveing maid no provision, sum being more then fourscoir of mylles from their dwellings. This request being allso refuised, they dealt, lastlie, that they might be permitted for the space of four or fyve dayes only, to ease and refreshe their weak bodies, the seikly disposition quhairof long imprissonment greatlie augmented.

Bot all favour and courtesie being denyed, they wer sent to waird, and entred in Blaknes the 29th of August. Bot befor their depairture out of Perth, Mr John Forbes dealt with the President, that they might have ane licence granted to sic ane one as they would send to his Majestie, with the trew Declaration of their proceidings, for making their innocencie knowen to his Hienes. The President answered, That he was to goe himselff in person, therfor they sould neid no licence to any; for if they lyked, he would carry ought they would send, faithfullie delyver it, and report ane answer back againe. This did he, becaus they had resolved to closse up all wayes, that nothing sould come to his Ma-

jestie's eares touchinge the saids ministers proceidings bot be the Counsell's report. At this Counsell, besyds the Lords, wer present, joyned with them, of the lait Commissioners of the Generall Assemblie, Mr Andrew Lamb, Mr James Law, Mr Alexander Linday, Mr Alexander Douglas; of whom Mr Alexander Douglas, then Bischope of Murray, with the uther Bischops, to wit, Mr John Spottiswood of Glasgow, Mr Gawen Hamiltoun of Galloway, and Mr Andrew Knox of the Isles, and with them, Mr Alexander Lyndsay, (no Bischope, bot ane of the Bischoprie commissioners,) Mr Patrick Galloway, Mr John Hall, and Mr Robert Pont, all of that same sort, went up to Court at that same tyme quhen my Lord President went up.

## CAP. III.

THE DECLARATION OF THE MINISTERS PROCEIDINGS, FOR CLEARING OF THEIR OWN INNOCENCIE, AND APPEASING OF HIS MAJESTIE'S WRAITH, SENT BY THEM TO HIS MAJESTIE.

The Ministers, efter their re-entering in prissone, finding that his Majestie's mynd was allienated from them, and his Hienes greatlie offended at their proceidings, pairtlie by the misreport and fals narration maid be the Laird of Lawrestoun, strengthened be the Counsell, and pairtlie be the uncharitable misconstructing speaches of the lait Commissioners and new created Bischops uttered against them and their proceidings, to the great prejudice, both of their cause and their persons: Therfor, for appeassing of his Majestie's wraith, and induceing of his Hienes to the favourable consideration of their innocencie, and pittieing of their persons so long imprissoned without any just cause, [they] thought good to clear themselffes and their doings of the many unjust sclanders and callumnies quhairwith they were heavillie burdened and traduced, by penning the trew Declaration of their haill proceidings in their Assemblie at Aberdein, with ane humble supplication to his Majestie for their delyverie, and for free use of the

lawfull libertie of their Assemblies given be Christ to his Kirk; purposlie eschewing the direct answering of his Majestie's letter of declaration sent with the questions, becaus it was not sent to them be the Counsell, and becaus they thoght it not meit to depairt from their own particular, to the pleading for the generall, so established be law, custom, and practeiss, and so sufficientlie warranting their deid in particular, as grounded therupon, and agrieable therunto; neither would they, swa far as they might, involve themselffes in unnecessarie questions and debait with his Majestie, to minister occasion by untymous and unnecessar contention to his Hienes, to obtaine that advantage against their persons, quhilk, as yet, their own deid could not minister; and for obtaining quhairof the saids Questions wer purposlie devysed; it being a thing resolved, That the ministers behoved either by just desert, or then by some shadow and collour of apparant justice, to be brought within the compas of ane law; * becaus it was concluded as a thing most necessar for the peaceable performing of the forsaid wicked purpose, touching the government of the Kirk, to put sum of them out of the way, speciallie Mr John Forbes, and Mr John Welsh, of whom there was no hoip that ever they sould be moved to condiscend, or, in silence, to tollerat such iniquitie.

For this forsaid cause, immediatlie efter their returning to Blaknes they penned the Declaration following, and sent it to the President, who presented it to his Majestie:—

> "To the most Meightie, Heigh, and Excellent Monarch, our Gracious and Dread Soveraigne JAMES, be the Grace of God, King of Great Brittane, France, and Irland, Defendar of the Faith &c., grace, mercie, and peace from God the Father of our Lord Jesus Christ, be multiplied.

"PLEAS your Most Excellent Majestie to vouchsaife a gratious ear to us in declairing the trew," &c.

* What follows from this to the end of the sentence is deleted in Swinton's MS. In Gibson's it stands without any marks of deletion.

[For this Declaration, see Calderwood's History of the Kirk of Scotland, vol. vi. pp. 322-332.]

Upon the 4th of September the Synod of Fife being conveined, after long deliberation touching the keeping of the General Assemblie, appointed to be at Aberdene the last Tuesday of September then instant, which by open proclamation was forbidden, at length resolved to send their advice to all the Presbyteries of the land, for prolonging the diet of the General Assemblie to the first Tuesday of May 1606, for eschewing all occasion of offence, and specially the appearance of rash and hastie proceeding, in reguard of the foresaid proclamation to the contrarie, till his Highnes were sufficientlie informed of the truth of all maters, contrarie to the false report, wherupon the said proclamation had proceeded; ordaining in the meane time the Presbyteries of their shires, if any other better advise touching the keeping of the Assemblie should be sent from the rest of the Presbyteries by their Commissioners, to embrace and follow the same, so farre as might stand with the honor of God, the liberties of the Church, and the lawes of the land: Which advice being with diligence communicated, as it is said, the continuation was imbraced by all, and the day by some; wherupon the meeting of the Assemblie appointed to be at Aberdene the last of September foresaid, was made to be of no effect. *

## CAP. IV.

### THE POLLICIE OF THE COUNSELL TO COVER THEIR WRONG AND IMPRISSONMENT OF THE REMANENT MINISTERS.

In the mean tyme, while this matter is in consultation at London, the conclusion quhairof we sall heirafter hear, the most pairt of the remanent Brethrein of the ministrie, who had been at Aberdein,

* In Swinton's MS. this paragraph is wanting, and in its place there is a part of a paragraph, which, in Gibson's MS., is to be found in the beginning of Chap. V., and which, following the latter MS., we have transposed to that Chapter.

aither present at the Assemblie or at the approbation therof, being chairged to appeare befor the Counsell the 12th of September, wer continued, to appear the thrid of October at Perth. Mr Hendrie Blythe was continued still in waird, allbeit ane warrand was procuired, 22d September, from his Majestie for his relieff; becaus he and his flock refussed the condition craived of them, quhilk was, that the Baillies and Counsell of the Canongait sould be bound under the paine of two thowsand merks for Mr Hendrie, that in his sermons he sould not mell with the Counsell their proceidings, or ony matter of estaite.

Ane letter allso was send abroad to all Presbitries from the Chauncellour and Secretar, bearing great show of zeall and good affection to the trueth, and of fordward cair in them, and readines, by justice, to suppres the enemies therof; quhilk they did to mitigat the mynds of all men, not a little commoved at their rigorous and seveir proceedings against the Ministers, without just cause, and to prevent the dangerous inconvenients quhilk they feared therupon to aryse. The Letter was as followes:—

"Efter our very heartillie commendations: Quhairas his Majestie is credibllie informed that the order taken, be his Majestie's commandement, with the few number of those of the ministrie that, contrair to his Majestie's warrand, chairg and desyr of the Counsell, attempted to hauld ane Assemblie no wayes allowed be the most and best of the Church of Scotland, hes bred sum disquyetnes in the mynds of the peoplle, hes armed som of the insolent sort to despyse and misregaird the ministers, and has imboldened the Papists to expect impunitie, as if his excellent Majestie and his Officers of State sould be so bussied with repressing the enormities and unrewlie accidents that have flowed from the last disobedience, that their liberties sould be encreassed, and the executing of the lawes against them sould so cease; it has, therfor, pleassed our gracious Soverane, out of the tender cair that his Majestie hes of the maintenance of that undoubted trueth quhilk his Majestie hes ever professed, and for preventing of these inconvenients that

of the present jars may aryse, to command us, be these presents, to signifie to all the particular Presbitries within this kingdom, that allbeit this little handfull of discontented spirits has done quhat in them lay to animat his Majestie against the haill estait of the Church, that such is his fatherlie love to have the sinceritie of religion established for him and his posteritie to the world's end, to have the preachours honoured and regairded in their calling, to have the enemies rooted out and trodden under foot, and the lawes execut with all rigour against them; that it is his Majestie's gratious pleasour that, as in love he will have the factious brethrein to be corrected, to the terrour of such who may be induced in the lyk errour, and contentment of the best of the ministrie, who feares the dangerous events that such enormities may produce, so, in justice he will have none of his subjects in no degrie * to escaipe their dew punishment, that do presume, in word or deid, to offend, despyse or contemne any of that profession, meikle less that any of ane opposit religion sall expect any impunitie; bot upon the declaration of the minister, or any uther subject quhatsoever, sall be called and punished in all severitie. According to the quhilk his Majestie's gracious and princelie commandement, we have thoght good, be these presents, to signifie unto you his Majestie's royall pleasour and our most willing disposition, in every poynt, by our best endeavours to accomplishe the same; heirby earnestlie requesting you, that if any subject sall presume to offer any injurie or wrong to any minister within your bounds, or if any Papist, Jesuit, or Seminarie Priest, or excommunicat person, sall publictlie or privatlie have any resett, supplie or maintenance, or favours within your said bounds, that ze immediatlie declair the same to us, or to his Majestie's Advocats, or to their deputs, under sufficient information be verification, quhairupon proces may be deduced; efter the quhilk ye sall not faill to sie the lawes put in execution against them, without any spairing, as we sall answer to his Majestie on our highest perrill. Thus not doubting of your charitable judgment of all his Majestie's most just and religious proceidings,

* Gibson's MS. "of any degrees."

foundit upon the remembrance of his dealling when he was with you, and of our zealous prosecuting of all kynd of contempt that may steinzie * the puritie of your profession, and of your affauld concurs † with us in all things quhilk may tend to the peace of the Kirk.

"From Perth the 27th of August 1605.

(*Sic subscribitur*)

"ALEXANDER CANCELLARIUS,

*Secretarie.*"

What sinceritie was in their hearts the Lord incontinent manifested, be occasion quhilk fell out at that sam tyme in the oppression [apprehension?] of Mr Gilbert Broun, sumtyme Abbot of New Abbey, ane excommunicat Seminarie Priest, (with whom what course the Counsell did tak will heirefter be manifested); anent whom his Majestie had caused mak proclamation, offering great gratituds and immunities to any who sould apprehend him and present him to justice, becaus he was ane knowen notorious idollater and seducer of uthers therto; who now being apprehendit be the Laird of Cranstoun, accompanied with some of the guard, was committed be the Counsell to Blaknes, the 1st of October, bot again transported to Edinbroughe Castell the thrid of October, quhair he was entertained upon his Majestie's chairges; unto whom the Ministers in Blaknes haveing offered conference whill he was there, and haveing entered therin with him, it ceased upon his refuisall to answer some things proponed be them, quhairwith he fand himselff straited, quhilk was thought to have bein the cause quhairfore he was removed from them to ane uther waird. ‡

Upon the said thrid of October, the Counsell being convened at

* Stain. † Honest or upright concurring.

‡ "Advyse, if ye think good to put in heir, and make mention of the proclamation maid anent Mr John Hamilton. Thogh it was efter this tym, yet it is of this sort; for it seemed they would have had him taken to have suffered sic punishment as the uthers did." (Author's note on margin of Swinton's MS. There is a line drawn across as a mark of deletion. The note does not occur in Gibson's MS.)

Perth, the Ministers, continued from the 12th of September to that day, wer called, [and appeared, namelie, from the North, Mr John Munroe, Mr Charles Ferme, Mr James Irving, Mr William Forbes, Mr Robert Johnstoun [Youngson], Mr William Davidsone, Mr David Robertsone, Mr Archibald Blackburne, Mr James Rose, Mr Alexander Scrogie, Mr Robert Reid; from Dunkelden, John Rose; from the West, Mr Nathan English, Mr James Gregge; and from the South, Mr Thomas Abernethie;*] of whom the first two or thrie examined haveing given frie and plaine testimonie in approbation of the Assemblie at Aberdein, † they and all the rest wer continued till efternoon, at the desyr of Mr David Lyndsay, then Bischop of Rosse, who hoped certainlie to induce them all to ane disallowing of the said Assemblie as unlawful; who, to this effect conveining with them, affirmed that there was ane Act of Parliament inhibiting expresslie all Assemblies, except sic as had his Majestie's, or else his Commissioner's, speciall consent unto them. Quhilk act the Ministers earnestlie desyring to know, the book being brought, they kuist up the first Act of the 12th Parliament, 1592, craiving, If that was the act quhairby he meaned? quhilk being red, and by his confession found to favour them against him, he affirmed there was ane uther posteriour act quhairof he did speak; quhilk being long searched and not found in the book, Mr David did send the booke to my Lord Advocate sitting in Counsell, and desyred him to find out the Act inhibiting Assemblies without his Majestie's consent, and to mark it and send it to him, who sent him back againe the said first Act of the 12th Parliament, 1592. Quhairupon, finding no ground in the law to controll their Assemblie, he desisted from reasoning, and pressed by alluring perswasion to induce them to that, unto the quhilk he could find no sufficient reason to perswad them; quhairby he so prevailled, that in end all being brought severallie befor the Counsell, partlie by infirmitie and partlie by craftie allurements, a few being moved

* From Gibson's MS.

† What follows from this to line 3d from foot, ending with these words, "no sufficient reason to perswad them," is deleted by cross lines in Swinton's MS. In Gibson's MS. it stands without any marks of deletion.

to doubt of the lawfullnes of that Assemblie, were relaxed from the horne and sent home to their chairges; * bot how trewlie it is alledged in the forsaid book, (pages 14 and 15,) that they maid protestation of their great sorrow for their offence, and excuissed themselves upon their ignorance, and besought the Lords to be mediatours at his Majestie's hands for a pardon to them, we leave it to the saids brethren's own Declaration; being fullie assured by some of themselffes that they are about to mak it manifest, how far they ever were from any such thing, and that the said report is a most impudent callumney. Other sevein remaining constant in the approbation of the said Assemblie, yet so as they submitted the judgment therof to the Generall Assemblie, wer committed, to wit, Mr Charles Ferme and Mr John Munro to the Castell of Downe; Mr James Irwing and Mr William Forbes to the Castell of Stirling; Mr Nathaneel Inglles and Mr James Greig to the Castell of Dumbartoun; [Mr John Rose and Mr Thomas Abernethie to Invernes. After which decree the said Mr Thomas, somewhat fainting, entered before the Councell and forsooke his former opinion; whereupon he likewise was sent home againe: the rest entered into their prisons; onlie Mr John Rose obtained to have his prison changed to Stirling.†] Besyds these foresaid there were uther four, Mr David Raith, Mr John Young, Mr Abraham Henderson, Mr Nathaneell Harlow, who, in the providence of God, wer spaired, and past on unsummond; and Mr Archibald Sympson, who, being summond, and compeiring befor the Counsell, was remitted home againe by the instant dealling of the Earlle of Mortoun, who, being one of his flocke, was not content that his pastour sould be put in prison for sic a cause.

The sam thrid of October, two supplications being given in to the Counsell in favours of the sex Ministers in Blaknes, the one

* In Gibson's MS. it is: "Whereby he prevailed so farre that Mr Archibald Blackburne, Mr James Rose, Mr Robert Reid, Mr Robert [Youngson], Mr David Robertson, Mr William Davidsone, and Mr Alexander Scrogie, were moved before the Councell in the afternoone, through infirmitie, to confesse the said Assemblie to be unlawfull, and so were sent home and released from all danger."

† From Gibson's MS.

sent from themselves, requesting that aither they might be put to ane tryall of the lawes, or then put to libertie upon suertie, to be answerable upon lawfull premonition; the other given in be the ministers of Fyfe, desyring that their brethrein might be releived upon caution, or then wairdit within their own congregations; quhilk both wer refuissed to be red, let be to be answered. Sic was the Counsell's elemencie and favourable proceidings with these servants of God, according to justice; and in place of answer to their humble suit, ane ordinance was direct from the Counsell to the Constable of Blaknes, commanding him to separate them, two and two, in severall chalmers, to stay them from meiting among themselves, and to suffer no other to have accesse to them.

## CAP. V.

THE CONCLUSION TAKEN AT LONDOUN, AND EXECUTION THEROF ON THE COUNSELL'S PAIRT, IN THE PROCES LED AGAINST THE MINISTERS, THE 24TH OF OCTOBER, AT EDINBURGH.

Bot now to returne againe to the proceidings at Court, and things following thereon, the King, having redde and considered the Declaration sent by the ministers with the Lord President, was somewhat moved against the Laird of Laurestoun, both for the evident appearance of the falshood of the alleadged charge, and because he had informed his Majestie that he had been in his persone contemned and abused; who therfore being called before his Majestie and accused hereof, for his owne safetie fell downe on his knees, beseeching his Majestie not to give credit to the report of the Ministers, by many oathes affirming that it was true that he had said, and that they had written contrarie to the truth. Thus, by a new and impudent falshood, he was driven to defend and cover his former, lest he should incurre his Majestie's wrath. In this debate of his Majestie's mind, which way to incline the sway of his affection and desire, being nothing weakened, but rather strengthened by such as were present; speciallie the President, (as

by the subsequent events will appeare,) carryed his Hienes to credit Laurestoun, because he would have it so, and it behoved to be so, for effecting his purpose as he reported.*

Afterwards the President and Bishops having composed their debait,† for the alledged hinder maid by the Chauncellor and President to the establishing of the Estait of Bischops; his Majestie haveing taken promeiss of the President in name of the Counsell, that in tymes coming they sould concure and imploy themselffes in fordering the forsaid erection of Bischops, and also the Bischops and Commissioners, being by his Majestie agreed in all their particullar debates, speciallie the contention for pre-eminencie of authoritie, they all joyned together in one against their Brethrein in prisson, and did resolve and conclude anent them as follows:—

*First*, It was ordained that the Counsell sould call them, and by their sentence convict them. *Secondlie*, That the Commissioners of the Generall Assemblie sould doe the like. Therefter, that sic of them as sould give some token of repentance, by acknowledging of their offence, sould be relieved from prisson and wairded within their own congregations. Concerning them who would not acknowledge their offence, it was diverslie resolved. Mr John Forbes and Mr John Welsh, (of whose repentance for that deid there was no hoipe,) were ordained to be banished. The rest who sould remaine obstinat, wer appoynted to be deposed from their ministrie be the Commissioners of the Generall Assemblie. This was the favour quhilk the goeing of these Bischops and usurping Commissioners to Court with my Lord President did procuir to their brethrein in affliction, as in ane letter from Londoun be ane of the Bischops to his own Presbytrie, touching their proceidings at that tyme, is contained at more lenth; quhairby it may easilie appear, that in all this matter his Majestie did nothing bot that quhairunto his Hienes was counselled and entyssed, partlie be these Counsellors, bot speciallie be the Bischops and Commission-

* This paragraph, from the words "the King," &c., in line 2d, forms the concluding part of Chapter III. in Swinton's MS., but in Gibson's is introduced here, as stated at p. 419.

† Gibson's MS. "being reconciled together."

ers, who, to this effect, did alwayes provyde that one or two of their number sould continuallie be at Court, for resaiving advertisment, and dealling with his Majestie according therto, that their purpose might prosper.

Quhat hitherto hes beine declaired, touching the Counsell and Commissioners proceidings against these Ministers, is all supressed and subtillie concealled in the book of "Declaration" sett foorth by the Counsell, of purpose to make the ministers odious, and their cause ungracious, to all such to whose eares no information sould cum of their proceidings, bot sic as the said buik sould afford.

About the 6th of October, the President returned from Court; which being knowne to the ministers imprisoned in Blaknes, they sent to him, desiring to know how the King had received their petition, and how he was satisfied with the Declaration of their proceedings, and what effect his Honor's promised travell had taken in their favour. He answered, That the King thought greater offence to be given by their Apologie, then by their first contempt; and that he had given order to summond them, and the rest of their brethren imprisoned in other parts, to the 24th of October next, to heare and see their Assemblie declared unlawfull. * The Counsell, for performing on their pairt the conclusion taken at Londoun, did, upon the 14th of October, chairge the ministers in waird to appear befor them upon the 24th day thereof, to hear and see their Assemblie descerned unlawfull, and themselffes to be punished therfor; and, in the meantyme, did publishe ane proclamation direct from his Majestie, purging his Majestie of all intention to make any sudden alteration of the present estait of the Kirk; and for the declaration of his Majestie's upright meaning heirin, appoynting ane Generall Assemblie to be haulden at Dundie, the last Twysday of Julij, in the quhilk Assemblie his Majestie expected reparation of these aledged disorders of the wairdit ministers, in so far as belonged to the censure of the said Assemblie, and to have his Hienes freed in all tyme coming, from

* The preceding part of this paragraph is from Gibson's MS. In Swinton's it has only these words to represent it, "The President being returned from Court."

all such callumnies as was alledged, uttered, touching his Majestie's intention anent the alteration of the estaite of the Kirk among them. Thus was his Majestie induced, by these men's advyse, for promoveing their purpose, to use more pollicie then prudence, hazarding his Hienes own reputation for pleasouring of them in their course, as efterwards will appear in the successe, quhilk uttered and manifested their pollicie in this proceiding, practeissed more for covering the secreit intention quhilk was in hand, then for comforting the good by a solide purpose of performing the thing promeissed.

Bot to returne to the Ministers, they being summond, conveined in Edinbrough, the twentie-thrid of October, and there haveing weiyed and considered the tennour, substance, and nature of the lybell, quhairof they wer to be accuissed, resolved, be advyse of uthers their brethrein, (quhairof a noblleman from diverse pairts of the kingdom wer comed there,) to use all means, without offence, to procuire the remitting of that matter and themselffes to the judgment and censour of the Generall Assemblie, as only competent judges in sic a cause.

Upon the nixt day being called, the Summonds was red, the tennour quhairof follows :—

"JAMES be the grace of God," &c.

[See the Summonds in Calderwood's History, vol. vi. p. 342.]

With the foresaid Summonds there came two warrands from the Councell to the Constable of Blaknes, the one to release the imprisoned ministers on Tuesday the 22d of October, that they might keepe the day appointed in the Summonds before the Councell; the other commanding him to separate them, two by two, in severall roomes, to hinder them from meeting together, and to suffer none to have accesse unto them; which last warrand, though directed from the Councell at Perth, the 3d of October, yet, through the mercifull providence of God, was delayed to that day.

Upon Tuesday, the 22d of October, according to the other warrand, the Ministers being set at libertie went to Edinburgh, where they continued advising with God and their brethren, upon that which should be most fit and expedient, for the glory of God and good of his Church, to be done by them, in answering to the said Summonds upon the nixt Thursday following. Upon which day the ministers being called all together, * the Summonds were red, and his Majestie's Advocat, in his Majestie's name, persewed that action against the ministers, who wer desyred by the Chancellor to answer be one or two of their own number for the rest. Quhairupon, finding that no Procuratour would be admitted to speak for them, considdering the great inconvenience that would ensew to the Kirk of God, and what hurt to the kingdome of Christ, and the lawfull liberties of the Church according to his Word, ratified also, and confirmed by the laws of the land and Actes of Parliament, if in matters of their calling they sould acknowledge the Counsell judges competent; for eschewing the said inconvenience, yet, so as if it were possible no offence were taken thereby, they did give in to the Connsell the Supplication following.

[See this Supplication in Calderwood's History, vol. vi. p. 345.]

The Supplication being red, it was desyred be the Advocat, that the ministers sould be caussed answer to the lybell, and their Supplication continued till their answers sould be heard to the matter quhairfor they wer summonded; [and being propounded by the Lords to the ministers, they besought their Honours, before they were forced to answere, to heare their petition, since that thereby it might be that they should find sufficient reason why they ought not to be urged with further answer. Whereupon, the Clerk, being about to reade it, the Lord Chancellor stayed him, and caused deliver it back to be redde by some of themselves, and

* The preceding paragraph and this paragraph, to this place, are not in Swinton's MS.

having bene redde by Mr John Forbes, whom it pleased the brethren to desire to speake in their name, it was demanded by the Lord Advocat, Whether the said petition was given in as an answer to the libell, or as a sute to the Lordes; whereunto*] the ministers affirmed, that they had given in that Supplication as the first pairt of their answers to the said libel; quhilk being weill considered by their Lordships, they hoipped that they sould be troublled with no farder processe befor their Lordships, and, therfor, desyred their Lordships interloquitor theron. The Advocat, perceiving that it tendit alltogether to the setting off the Lords as not competent judges in that matter, alledged, That there was ane law, quhairby the Lords of Counsell wer constitut judges over all persons in all matters, both spirituall and temporall, in respect quhairof the supplication ought not to be admitted; and for verifieing his alledgance, produced the first Act of the eight Parliament, halden at Edinbrough the 22d of Maij 1584, in the quhilk it is statute, "That his Hienes, his aires and successors, be themselffes and their Counsells, sall be judges competent to all persons his Hienes subjects, spirituall or temporall, in all matters quhairin they sall be apprehendit, summond or chairged, to answer to sic things as sallbe enquyred of them be his Majestie and his Counsell; and that none of them who shall happen to be apprehendit, called or summond, to the effect forsaid, presume, or tak upon hand to declyne the judgment of his Hienes, his aires and successors, or their Counsell in the premisses, under the paine of treasson."

To this the Ministers answered, That quhatsoever law was maid in that Parliament, or any uther preceiding the zeir of God 1592, in prejudice of the trew Kirk and lawfull liberties therof, could have no strength at that tym against them, in respect of the first act of the 12th Parliament halden at Edinbrough the first day of Junij the said 1592, all Acts of Parliament, lawes and statuts, maid at any tym befor the day and dait therof, against the liberties of the trew Kirk, jurisdiction and discipline thereof, as the sam is used and exerceissed within the realme, are abrogate, cassed and

* From Gibson's MS.

annulled, and the Kirk restored to all her priviledges, liberties, immunities and freedomes quhatsoever, given and granted to her befor be any [of] his Hienes predecessours, his Regents, or his Hienes selff, and to the frie use of her Assemblies, Generall, Synodall, Presbitries, and Sessions, with the haill jurisdiction and discipline of the Kirk; quhilks both Assemblies, and discipline and jurisdiction, are declaired and decerned to be in all tymes coming most just, good and godlie in the selff, notwithstanding of quhatsumever statutes, acts, canon, civill or municipall lawes maid in the contrair; to the quhilks all and everie ane, that forsaid act makes expresse derogation: And farder anent the said act alledged and produced be the Advocat, maid the yeir 1584, it is particularlie declaired, That it sall no wayes be prejudiciall nor derogat any thing to the priviledge that God hes given to the spirituall office-bearers in the Kirk, &c.; and therfor their Supplication sould be admitted, notwithstanding of the said act 1584. [They] therfor desyred the Lords to read and consider the said act, and to give their interloquitor theron.

The act being red, the ministers wer commanded to remove. At that very instant Mr Robert Yewingstoun [Youngson], (one of these ministers who at Perth the thrid of October being induced to doubt of the lawfullnes of the Assemblie at Aberdeine,* was remitted home) presented himselff befor the Lords, desyring to be heard; and his brethrein stayed till he sould speak; quhilk being permitted, he protested, in their presence, and plainlie professed, "That, in his conscience he was fullie resolved, and so could not bot acknowledge the Assemblie at Aberdein to be lawfull, confessing his weaknes, through lack of sufficient resolution, to have beine the cause of his oversight at Perth the thrid of October; quhilk had maid him to endure, since that day, a more hard waird and thralldome of mynd nor his imprissoned brethrein had sustained in their bodies, quhairof he could find no releiff untill he sould come befor their Lordships and acknowledge his former offence: and there [he]

* Forbes evidently means, *to profess* the unlawfulness of that Assembly; for it does not appear that Youngson ever entertained any doubt of its lawfulness.

thanked God that He had given him rest in his confession." The Chauncellour, being disapoynted of his expectation, (for he luiked that he had beine purposed to yield, and to entreit his brethrein to the lyke,) demandit of him, If he was summond to that day with the rest; and if not, how he came there? Mr Robert answered, That he was summoned not be their Lordships, nor be the authoritie of any earthlie king or judge, bot be the great God [and Lord of Heaven*] and his own conscience, whose chairg he durst not disobey. Quhairupon the Lords being not a little astonished and the ministers comforted, they wer removed, and Mr Robert Yewingstoun with them, being first enrolled be the Clark at the Chauncellour his command among them.

The Lords being advysed, and the ministers called bak againe, they wer willed to answer to the lybell, becaus the Lords did find themselffes judges in that matter be vertew of the forsaid act in the yeir of God 1584. The ministers, perceiving that neither law nor reason could perswade the Lords to remit them to their judge ordinar, bot that they would take upon them, against all equitie or preceiding exampIle, to judge in that matter; and finding no uther remedie to prevent the inconvenients following such a practeiss, wer compelled to give in ane Declinatour for dischairge of their dewtie to Christ and his Kirk in their calling; lest utherwayes the matters quhilk ought only to be subject to the judgment of Christ and the spirituall office-bearers in his house according to his Word, sould be brought in subjection to the humane judgment of civill judges, and so a fearfull confusion brought in of judgment contrair both to the law of God and of men. The just coppie of the Declinatour followes:—

> [See the Declinature in pages 139 and 140 of the present volume, and in Calderwood's History, vol. vi. pp. 347–354.]

This is that Declinatour so much misconstructed and misreported, in the forsaid book of "Declaration," page 21 or 23; quhairin

* From Gibson's MS.

neither was his Majestie nor his royall authoritie declyned, bot the Counsell's judgment in that cause allanerlie, as being no wayes competent in Ecclesiasticall matters. I leave it to the consideration of every man who reads and considers the Summonds to judge, Quhat was the matter in question? whether it was for makeing a privat conventickle, directlie repugnant and against his Majestie's and Counsell's chairge and direction, against the continuall custom and practeiss of the Kirk, and consent of all.

After the giving in hereof, that it might appeare to all whose mindes were indifferently disposed, without prejudicate judgment, that the ministers used this Declinatour, not out of any contentious disposition, weaknes of their cause, or want of sufficient reason to cleare their innocencie, but only through the necessitie of that dutie which they owe to God, to his Church, and to their native countrey, in preserving the order established by God in his Church, and ratified by the lawes of the land in its owne integritie, for the honor of God, the good and safetie of his Church, and the prosperous and peaceable estate of the land, they gave in certane answers to the principall points of the Summonds, specially against the alleadged contempt and disobedience in their meeting, to make it manifest to all Christian hearts how innocent they were in their proceeding, and voide of all the crimes and slanders wherewith they were burdened; which answeres they gave in by way of declaration, adhering still to their Declinator, and not by way of action befor their Honors as competent judges in that cause. *

The contents of the Answers follow:—

[See these Answers in Calderwood's History, vol. vi. pp. 347-354.]

The reasons being red, the Advocat maid ane reply to little effect, hopping therby to induce the Ministers to enter in action befor the Lords and to misken their Declinatour. Bot they, being willed be the Lord Chauncellor to answer, [by their forsaid Speaker †] protested that they did still adhere to their Declinatour, and did not

* This paragraph is not in Swinton's MS. † From Gibson's MS.

acknowledge their Lordships as competent judges in that cause, and that they had given in these reasons only by way of declaration, for satisfaction of all godlie and honest hearts, in makeing manifest the equitie of their cause, and nowayes of any purpose to plead judiciallie befor their Lordships. Heirupon the Ministers being removed, efter short advysement, being called back againe, the Chauncellor reported and pronounced that the Counsell had found and declaired their Assemblie to be unlawfull, and therfor commandit them to returne, every one to their severall wairds, untill his Majestie's farder pleasour were knowen in that matter; and Mr Robert Yewingstoun [Youngson] to enter with them that were in Stirling, to remain in waird with them. Upon the quhilk command, they, haveing in all reverence declared their willingness to obey their Lordships in all things concerning their bodies, guids, and lyves, their conscience only and dewtie to God in their callings reserved, did depairt.

Thus the Reader may perceave what a sturre hath bene keept for the Declinatour or Appeale, so much mistaken and misconstructed in the foresaid booke of "Declaration," (pages 21 and 23,) wherein neither was his Majestie's royall authoritie declined, but the Councel's judgment in that cause only, as not being competent in Ecclesiasticall maters. I leave it to the consideration of everie one that readeth and considereth the Summonds, to judge what was the mater controverted, whether it was for making a private conventicle directly against his Majestie's and the Councel's commandment and direction, against the continuall custome and practice of the Church and consent of all other Presbyteries, as is alledged in the forsaid booke of "Declaration," (page 16,) or for keeping a Generall Assemblie: since that the verie Summondes do grant the 2d day of Julij to have beine appointed for the diet of the Generall Assemblie at Aberdene, confesse them to have beene authorised with commission from their Presbyteries, acknowledgeth them to have an Assemblie appointed and designed, and charge them to appeare to heare and see the said Assemblie decried unlawfull, not because it was a private conventicle assem-

bled either without publick ordination of the diet, or without publick authoritie of the Presbyteries, sending them authorised with commissions; but because it is alleadged to have bene convened without the King's consent, and against his commandement, contrary to the Act of Parliament 1592, and because some informalitie was in their actions. The first, by the former discourse, may easilie be seene and knowne to be forged, though, otherwayes, the authoritie of the assemblies of the saints dependeth nowayes upon the will of man, but of Him alone in whose name they must be convened, and in whose name they are keept to do all things; who, as Lord over his owne House, hath only power and authoritie to command therin: neither is there any mediate authoritie betweene the Lord and his ambassadours, in the affaires of their message; he only sendeth them; he alone gives them to be pastors and doctors, &c.; he alone shall judge them; he alone shall reward them; to him alone they must give an accompt of their dispensation; and he himselfe alone doth immediatlie rule them by his Spirit and Word. For although there be diversitie of administrations, yet there is but one and the selfe same Lord; neither hath that body of his two heades. That is the preeminence of the Sonne alone, incommunicable to man or angels, to be head of his Church, which is his body: so that it cannot be heard, redde or considered without abhorring the iniquitie and pitying the blindness of men, calling themselves Christians, who speake and write so heathnishlike of the authoritie of the assemblies of the saints, as subalterne to the civill power of Civill Conventions, as having no warrand but from the statuts of men. So ill doth it become a profane politician to talk of spirituall things, whose sight reacheth no further then the limites of the estate of a province, and therefore would have the affaires of Christ's kingdome no less subject to the pleasure and direction of princes then the actions of the politicke body, in their policie concerning the affaires of this present life. Wherefore it is not amiss that those preceeding Answers, by way of declaration, be made against the slanders of the Summonds, and for giving contentment to good Christians. *

* This paragraph is not in Swinton's MS.

## CAP. VI.

THE FAVOURABLE ANSWERING OF MR GILBERT BROUN HIS COMPLAINT, THE RELEASING OF MR HENRY BLYTH OUT OF PRISON, AND PARTICULAR DEALLING WITH THE MINISTERS TO BRING THEM TO A CONFESSION.

The same day, Mr Gilbert Brown, being still in the Castell upon his Majestie's chairges, did cause present ane complaint and supplication to the Lords, desyring to have restored to him sic sowmes of money and uther things, as he alledged was taken from him be certaine of the guard at his apprehending: quhilk complaint was heard and favourablie answered, the Counsell ordaining all to be restored to him againe: Quhilk ordinance being obeyed, it was found that the most and principall things that were taken from him were monuments and instruments of idolatrie, sic as Crucifixes, Agnus Dei's, Images, Relicks, &c.; quhilks all notwithstanding, were, according to the Counsell's act, delyvered bak againe. And afterwards in December next following, being released out of prison, and suffered to remain at a friend's house in Edinburgh, upon a Sunday the visitors, upon suspicion, went and searched his lodging, found a chalice, which they presented to the Councell, which ordained the chalice first to be weighed, and thereafter burned at the market crosse, and the just value thereof to be restored to Mr Gilbert Broune; whom shortly thereafter, immediately before the returne of the Earles of Marre and Dumbar from Court, the Councell sent out of the land by sea, with a hundreth Markes in his purse, although it was reported that he knew of the Gunne-poulder Plott, and had, with others, conspired against the King. * Heirby may it in sum measour be knowen, of quhat disposition these rulers be towards the trueth, and professours therof, and quhat sinceritie was in their hearts in promeis-

* This sentence, beginning with "And afterwards in December," &c., is not in Swinton's MS.

sing so far to the Presbitries in their letter before specified; the most malicious enemie of the gospell within the land being so favourablie used, contrair to the lawes, and the ministers of Christ so seveirly handled for the very practeiss ordinar of their calling, approved be the lawes.

The same day also was Mr Hendrie Blyth, * [upon a simple warrand from the Councell] †, without any condition, set at libertie, and suffered to returne to his chairge.

The two dayes following, certain of the Lords travelled with the ministers to bring their matter to sic a mids ‡ as might satisfie his Majestie and procuir their libertie. The ministers, be advyse of diverse of the wyssest and gravest of their brethrein there present, did first present this offer to the Lords, That they would submitt themselffes, in all that concerned themselffes, to his Majestie's will and pleasour, being assured that his Majestie would not urge them in that quhilk concerned God, his Kirk, and their conscience; and farder, that in all humble submission they would beseech his Majestie to remit his wraith and be appeassed towards them. This offer being rejected of the Counsell, be advyse forsaid, the ministers againe presented ane uther offer, That for satisfieing of his Majestie, seeing the day appoynted be them at Aberdeine for the Assemblie was alreadie expyred and null in the selff, and that his Majestie had be open proclamation appoynted ane uther day, they would for themselffes agrie, that their appoynting of a new day in their Assemblie wer repute and haulden as though it had not beine done; and would beseech his Majestie, in all humble submission, to remitt his wraith, and be appeassed towards them. This offer also was refuissed.

The cause of the rejecting of both offers was the difference betwixt the Counsell and [illegible]ts of the Kirk; the Counsell lyking best of the first offer, if it could have bein got[illegible]

* Henry Blyth was minister of the Canongate.

† From Gibson's MS.

‡ *Mids*, such a means, or medium between extremes.

absolutlie; the Commissioners lyking better of the second, if it could have beine obtained universallie; haveing more regaird to the establishing of their authoritie be annulling the authoritie of the Assemblie then to his Majestie's satisfaction; the Counsell, in the uther pairt, indeavouring more to have his Majestie pacified by the Ministers submission, then the Commissioners authorised by nullitie of the Assemblie. *

Therefor nothing could pleasse the Counsell without a simple confession of ane offence, and submission of themselffes and thair haill proceedings to his Majestie's censour, will and pleasour; and nothing could satisfie the Commissioners without the Assemblie, and haill proceedings therat, sould be haulden null, that their commission might stand in the full strength.

The conference ceassed, and the Ministers returned to their severall wairds. Heir it is not to be forgot how, in the Counsell's book of "Declaration," there is nothing of all their proceedings mentioned, except only the proponing the Declinatour. The Supplication given before, and the Reasons efter, are no wayes touched, except in one word by the way, (p. 22,) alledging them frivolous, and tyme more to be lossed then any matter uttered in useing them; quhairof we refer the judgment to the Reader; only poynting at that quhilk is most to be considered, that by this their pollicie in passing with silence the Supplication, the Reassons, [and] the dealing efterward be offers, they delude the world by their calumnie used against the Ministers, as thogh by their Declinatour they had made a plain denyall of their subjection to his Majestie, and of his royall power and authoritie over them; quhairas indeid they declyned not his Majestie bot the Counsell allanerlie, neither yet the Counsell simplie, bot in that Ecclesiasticall action only.

* This paragraph is omitted in Gibson's MS. and cancelled in Swinton's by cross-lines; and on the margin is the following note:—"This is bot a conjecture. Their reply will be, that ther was no Commissioner at that conference; therfor see that be na apparent [ground] given of challenging them heir causles, quhilk may mak uther things less thoght of."

## CAP. VII.

CERTAINE PETITIONS GIVEN TO THE COUNSELL IN FAVOURS OF THE IMPRISONED MINISTERS.—THEIR LETTER TO THE PRESBITRIE OF EDINBURGH FOR CLEARING OF THEIR INNOCENCIE.—TWO PETITIONS SENT TO THE KING, ONE FROM THE PRESBYTERIE OF EDINBURGH, AND ANOTHER FROM THE IMPRISONED MINISTERS, WITH OTHER PETITIONS TO THE COUNCELL, AND FURTHER SECRET PURPOSES AGAINST THE MINISTERS IN BLACKNES.

Information being sent to his Majestie from the Counsell, as they thoght meittest, of their proceidings, quhilk answer of his Majestie's mind is expected, the Lord, of his infinite mercie, makes that barbarous and inhumane conspiracie of the Papists against his Majestie, Queen, Prince, and haill posteritie, and Estaites of England, to be revealled, quhilk sould have beine execut the fyfth of November [1605,] in Quhythall [Whitehall,] by powder, quhair the wholl bodie of the land sould have beine conveined in Parliament. From the quhilk danger his Majestie, &c., being delyvered, and publict thanks given therfore, it was expected that the Ministers sould have obtained their libertie; bot a contrair conclusion was taken, as efterward sall appear.

The Ministers warded in Blaknes, in reguard that they had suffered much in their bodies, by reason of the unwholsomnes of that place, and were at such extraordinarie cost, that they were not able to hold out, gave a petition to the Lords, desiring to be removed from their prison, or to have libertie to provide for themselves the best they might. The removing was flatly refused; and touching the second, a letter was directed to the Constable of the Castell, desiring him either to boord them reasonablie, so that he might be the more easilie payed by them, or else to suffer them to furnish themselves; yet so as, in the meane time, he should use them according to the Councel's former direction, keeping them in severall

roomes, and from meeting together, or with any persone whatsoever, as he would answere to the Councell thereon. Such of the ministers as were in other prisons were not made closse prisoners, but were simply imprisoned. *

The 14th of November three Supplications were presented to the Counsell, in favours of the ministers in waird, be the Commissioners of the Synod of Lowthiane, and of the Presbitries of Fyffe, directed from them to that effect: the first desiring their freedome; 1. That they might be partakers and proclaimers of that common joy for his Majestie, Queen, Posteritie, and Lords delyverie; 2. For the comfort of their desolate flockes and families; 3. For their povertie, through their extraordinarie chairges; 4. Becaus of the infirmitie and weaknes of bodie contracted be long imprissonment. This being refuised, the second was, desyring them to be wairded in their own congregations. Quhilk also being refuissed, the thrid was, for the Ministers in Blaknes, desyring only their transportation to any uther waird, in respect of the danger they stood in of the pest, being broken up in the village town of Blaknes. Bot all wer rejected; the Counsell willing the Commissioners, presenters, if they desired any favour, relieff, or ease to their brethrein, to procuir it by their own supplication to his Majestie; † And, likewise, their imprisoned brethrein themselves to send a petition to his Majestie; promising to send both in their packet to his Highnes. Wherupon a petition was penned by Mr William Scot, minister at Cowper in Fife, to be sent to the King for the imprisoned brethren, which is as followeth:—

"May it please your Most Sacred Majestie,

"As the God of all mercie, out of his fatherlie love in Christ, contrarie to our merites, hath not only in your Royall persone spared your Majestie's subjects, but also hath filled all your domi-

* This paragraph is not in Swinton's MS.

† From this place to the end of the paragraph in a subsequent sheet, beginning with the words "But before we proceede to so ungracious an action," &c. is taken from Gibson's MS. In Swinton's the whole portion is represented only by a few lines, briefly stating some of the facts which are stated at length in the other MS.

nions with the glade and acceptable tidings of your Majestie's most prosperous and happy deliverie from that abominable conspiracie, so unnaturally plotted by the instruments of Sathan, those restles ennemies to the puritie of religion, the tranquillitie of states and peace of people, against your Majestie's royall persone, the cheefe defender and maintainer of these blessings in the whole world, the Queene's Majestie, your royall children, and strength of the royall estate; so we have carefully in our sermons, and alwayes as it became us, published the same to your Majestie's subjects here, using all convenient meanes to stirre up their zealous devotion in praying God for that inestimable blessing, like as in all churches, streets, and families of your Majestie's native and ancient kingdome here, the voice of joy hath bene most cheerfully heard, and to manifest everie way, that exceeding joy that all good subjects ought to have for the safetie of their most sacred Sovereigne, all ceremonies of externall rejoicing having bene most gladlie celebrated. Now, lest we, your most humble servants, should neglect our dutie, to congratulate with the earnest wishes of our loyall hearts, for this present mercy and your Majestie's everlasting happines, the unspeakable goodnes of God in the gracious deliverie; we have presumed by these few lines, humbly to offer to your princelie consideration, the speciall sparkes that inflamed our hearts in the celebration of that joy; first, the mercifull continuance of God's loving protection, readie deliverie, constant preserving and fatherlie care, watching at all times over your royall persone; nixt, the advancement of the Gospel, and with it many blessings peaceably enjoyed by all your subjects under your most just and happy government; and lastly, the horrible desolation that would have ensued, if God's undeserved mercy had not prevented that inhumane crueltie: for the continuing and increasing of which benefits and cutting by the roote such desperate attempts, we are pricked with the feare, that still possesseth our hearts, to call on God earnestly to roote out and extinguish such pernicious instruments with their devilish plottes. And for the more ample spreading of that manifold deliverie, upon our knees we most

humbly intreate your Most Sacred Majestie to extend the bowels of your fatherlie compassion unto the Ministers of the Gospel that ar here in prison, so much the rather, because, through long and strait imprisonment they ar wholly impoverished; some of them with weakness and sickness of body heavily distressed; others through feare of their life by pestilence, closse by the gates of your Majestie's Castell, where they ar in prison; and many here of your loyall subjects, of all degrie, qualitie and calling, beside the flockes that want the comforts of their pastors, and wives and children destitute of the necessarie support of their husbands and fathers, do earnestlie expect the gracious proofe of your Majestie's wonted clemencie, commonlie shewed to all poore prisoners at such times; since the Lords of your Privie Councell here refuse to do any thing concerning their releasing, without your Majestie's expresse commandement. Thus, trusting in the Almightie God that he will give us mater daylie to rejoice in your Majestie's preservation, and your Estates maintained by Him, against the Devill and his instruments, to the great comfort of so many worthy subjects, as he hath made subject to your Most Sacred Majestie, yea to all those that truelie feare God; and humbly begging your Majestie's pardon for this our boldnes, we wish your Majestie a long and happie reigne, God's fatherlie protection in this life, and everlasting glorie in the life to come.

"Edinburgh, November 14. 1605.

"Your Majestie's most humble servants."

The greatest part of the foresaid Commissioners being gone to their chairges before the penning of this petition, it being subscribed by Mr William Scot and Mr James Balfour, it was offered to Mr John Hall to be subscribed by him. It was refused, though he was earnestlie intreated therto by Mr William Scot, and so it was left with the said Mr James Balfour, till it might be subscribed by the rest of the commissioners of the Synod of Louthian.

*Upon the 15th and 16th of the same November, the Ministers in*

Blaknes being assuredly informed that Mr John Hall, minister of Edinburgh, not only in private conference, but publickly in the pulpit and in the Presbyterie, had uttered some uncharitable speeches, prejudiciall to their cause and persones, affirming the cause to be of no moment, as being a matter not woorth two straes, wherin they stood with the King; and that, through their wilfull contention, they had justly deserved their affliction, and were the cause of trouble and disquieting the peace of the Church; affirming plainly, that howsoever before, yet now they could not pretend conscience for their cause, since that in their last conference with the Councell, they had departed from that which they pretended to be the ground of their conscience before in that cause: Hereupon, they being justly grieved, did penne a letter for clearing of their innocencie in all these points, and sent it to the Presbyterie of Edenburgh for their satisfaction, upon the 19th day of the said moneth, which is as followes:—

[See this letter in Calderwood's History, vol. vi. p. 368. It is dated Blackness, Nov. 18. 1605.]

This letter being redde in the Presbyterie before such as were present for the time, and the cause and estate of the imprisoned brethrein regrated by them all, it was thought fit in reguard of the absents, namelie of Mr John Hall, Mr David Lindsey and Mr Patrick Galloway, that there should be a meeting againe in the afternoone, for finding out some way to remeede the griefe of the distressed brethren. In the afternoone, they being conveined againe with such as had bene absent, save Mr David Lindsay, after reading and long conference touching the forsaid letter, and some reasoning betweene Mr James Balfour and Mr John Hall upon some points therof, which Mr John Hall tooke to be meant of himself, who likewise doubted not to affirme plainly, that the cause of the said Ministers suffering was not the cause of Christ; the answering of this letter was delayed till the nixt Presbyterie day.

Upon the 26th of November, the Councell being convened, the

Ministers in Blaknes sent in another petition, after the manner following :—

" May it please your Honors of his Majestie's Privie Counsell, —AFTER so often refusing once to vouchsafe an indifferent eare to our humble petition, we have hitherto offered what either conscience can permit or justice require for procuiring an end of our suffering, which hath bene imposed upon us in a harder maner, and still continued in the same measure a longer time than might have sufficed to have satisfied the discontentment of all minds, moved more upon sinistrous report then upon our evil deeds. We have offered ourselves to a lawfull triall of the lawes, and to such punishment as may lawfully be inflicted upon us, and just condemning of us in any crime or offence committed against the lawes; but we ar not heard. We have offered, if present trial cannot be found, to put in surtie in what forme it pleaseth your Honors to devise, to be answerable hereafter to the lawes, when your Lordships opportunitie and pleasure shall require, upon lawful warning; but this is also refused. In matters of our calling we have shewed our willingnes to undergoe the censure of such as from Christ have the calling and authoritie to governe the affairs of his House; yet nothing hitherto hath procured us libertie or ease of our closse imprisonment, being more rigorous than customeably hath bene injoyned to most heinous malefactors, being debarred from one of another's companie, and so closelie shut up that no friend or other creature can have accesse unto us. If our evill behaviour merites such indignation, and if in our doings there be such a heinous transgression that ought to be punished with greater severitie than the greatest vilanies, we humbly beseech your Lordships to delay no justice, but to let us have the punishment due to our merites, and not still to keipe us under the appearing show of guiltines, and in the estait of most guiltie persons, before we be convinced and subject to punishment by the lawes. If still there be any thing lacking in our offer that justice or equitie can require to satisfie the desire of a just, though a most severe judge, we ar ready in all humble submission to perform it. But if the benefit of the

lawes cannot be obtained, and this rigorous keeping of us so closse be still continued, thereby to force us to take upon us guiltines, which neither the lawes can lay upon us, nor the judgement of our owne conscience convince us, we must patiently commit our cause to God, the great judge of all judges in all causes; being resolved by his grace, to indure the extreamest severitie of whatsoever affliction man can lay upon us rather than to draw in upon ourselves the insupportable burden of God's wrath, or to spoil ourselves of the peace of a good conscience; wherunto we hope your Honors will nowayes force us, both for the reverence we think you carie to God; for the conscience which we think your Honors make of the calling wherwith it hath pleased Him to honour you; for the respect you carie to that ambassage which Jesus Christ hath concredited to us; and the dutifull care which your Honors should have that the blessed name of the Lord Jesus, the Word of his eternall truth, and the sacred and holy profession of Christianitie, be neither ill spoken of by your Honors nor by us. So, humbly recommending our comfortles estate to your Christian consideration; our suffering and cause therof to your equitable judgement; and the pitifull desolation of our flockes, in such a time, when all men have just cause of rejoicing, and our utterlie impoverished families, to your Honors pitie and commiseration; we desire no more but that ye may so remember us, and deal with us as your consciences may be able to secure you in the sight of the Lord, when he shall bring everie work to judgment, and weigh them in the scales, not of affliction but of justice. So, expecting [your] favourable and loving answer, we humbly recommend your Lordships and all your proceedings in this and all other your affaires, to the gracious government of the Spirit of grace and righteous judgment.

"From Blaknes, the 25th of November 1605."

This petition being redde before the Councell, the Lords answered, That they could do nothing in this business without the King's speciall warrand; and therefore they ordained, that if the Ministers would send a petition to his Majestie, they would send it safelie

to him. The same day, the Presbyterie of Edenburgh, touching the answer to the ministers letter, wherupon they had advised till this day, resolved to send in their names, subscribed by their Moderator and Clerk, the petition written by Mr William Scot, which Mr James Balfour had in keeping. And because the Presbyterie would not do this without their knowledge, they sent a copie of the said petition, with a letter from themselves, wherof the copie followes :—

"The Spirit of the Lord comfort you,

"Welbeloved Brethren in Christ, having advised long upon the best way, in our judgement, of the easing of your comfortles estate to the appearance of the world, howbeit, otherwayes, we doubt not of your inward joy of mind, that upholdeth you in this affliction; we thought it fittest that a Petition were sent to the King in our names, subscribed by the Moderator and Clerk of the Presbyterie of Edenburgh, that ye may be set at libertie out of your strait prison. And to the end that we do nothing rashlie herein, we have thought it most expedient to send you the copie of the said petition that we might know your judgement, what ye think of it, and whether we should send it or not, and what it is able to effectuate at the King's hands when it is sent; which we desire you deeplie to consider. And, therfore, we require your answere als speedily as yee can conveniently, what we shall do in this mater. And so we committ you to God's mercifull protection, who, in his own good time, will ease you of all your trouble.

"From Edenburgh, November 26, 1605.

"Your brethren in Christ,

Mr Charles Lumisden,

*Clerk to the Presbyterie, in all our names.*"

This was the answere that the ministers in Blaknes receaved to their former letter, upon the 27th of that moneth. And the said ministers sent an answere to them againe within a day therafter, the substance wherof was, The acknowledging of their care and

diligence for their case; allowing of that course that they had taken for the procuring of their relief, declaring that their opinion was, that it were best that each one in particular should subscribe the petition, if it might be obtained.

The Ministers in Blaknes, being informed of the answere which the Councell gave to their former petition, thought it fit to send a petition to the King, in the name of the ministers that were imprisoned, subscribed by them all, wherof the contents follow:—

"Most gracious and dread Souvereigne,

"MAY it please your Sacred Majestie to pardon our boldness; for the conscience of our dutie hath forced us, by this our letter, to congratulate unto your Majestie that glorious deliverie from that most cruell and treasonable attempt intended against your Majestie's sacred person, your gracious Queene, the Prince and posteritie, against the whole Church and commonwealth in these your Majestie's dominions, the like whereof hath never bene heard in any age; and the joy and consolation of so rare a benefit, as it hath stretched forth itselfe to all your faithfull and loyall subject, so should the glorie thereof, as the sound of many waters, and as the voice of a great multitude, resound unto Him who is the faithfull preserver of men, unto whom all praise and glorie, both in heaven and earth belong. This hardnes of our closse keeping; the weaknes of our bodies through this long imprisonment, some of us for the space of fifteen weekes; the impoverishing of us and our families through the extraordinarie charges we have bene at here; the feare of the devoring angell comming to the gates where some of us are, and readie to enter in at the dores; the want of the use of our comfortable ministeries so long; neither these, nor anything else, can be of force to extinguish the unspeakable joy of so glorious a mercy, which not we only, but all the Reformed Churches in Europe have, and shall reape the same. Hereby, we all, our wives and children, and all your Majestie's loyall subjects, received (as it were) our lives of new again. Hereby the liberties of these your Majestie's kingdomes and commonwealths have beene pre-

served from most fearfull tyrannie and bondage. Hereby hath the sunne of that most glorious Evangel, not only stood still in our firmament, to give light and comfort to his poore Church, but also being so neare the setting, that the shadowes of the evening had almost covered us, is wonderfully called backe againe by manie degries, that it might not make haste to go downe in our times, nor in the times of our posteritie after us. Hereby light and joy, gladnes and honor are come to all the saints, in all and everie kingdome and province, in all and everie citie and place, wheresoever this wonderfull deliverie is knowne. And all these and many moe we have received through the benefit of so large and blessed a preservation, so that now nothing can be hard to us to indure; yea, if it were, to be offered up in the sacrifice of this your Majestie's preservation and consolation, which hath redounded to all the Reformed Churches therby, yet would we rejoice with your Majestie in all your joy. It is therefore sufficient for us that our eyes have seene and our eares have heard of so great a salvation, to be recorded and declared to all posteritie to come. And as for us, what can be hard for us now, since the King liveth, and the light of Israel is not quenched, and he hath to sit after him upon the throne, to do justice and judgement, out of whose breasts the Church may suke protection and defence. We have eneugh and have received all things, and ar fully satiat; yet, if it might stand with your Majestie's pleasure to adde this joy to all the former, as to make us partakers of your Majestie's favour and woonted clemencie, declared at all times to all sort of your Majestie's subjects, but specially at such an occasion of so gracious and notable deliveries, whereby the hearts of all the children of affliction commonly ar comforted, and the prisoners brought from hope to libertie, then should not the praises of our God be closed within these walles, so should we not only proclame them ourselves, but also by our ministeries, take a coale from the altar and touch the lips and inflamme the hearts of all your subjects, cheaflie in our owne congregations, (whose hearts ar somewhat straitned, and their joy limited and bounded, because of the want of that glorious Gospel

in our ministeries, whereby salvation shined upon their hearts,) that they with us, and we with them, might cause the heaven and earth to resound with the voices of praise and joy. We have no more to render to your Majestie but the holding up of our hands, and the underpropping of all other your Majestie's people, so far as our ministeries can reach, lest they should faint, and so Amalek prevaile. Thus prostrating ourselves in all humble reverence at your Majestie's feete, for the spreading of a lap of the bowels of your compassion and fatherlie love over us, our distressed families, and above twelve thousand souls in our desolat congregations, famishing for the want of the word of grace, and now wandring like sheepe without sheepheards, that the mouthes of the hungrie, and of those that ar in distresse, may blisse your gracious Majestie and your happy posteritie more and more, and that we may take our harpes in our hands and stand at the glassie sea, to sing the song of Moyses the servant of God, and of the Lambe, with the rest of the saints. So, expecting your Majestie's gracious answere, we, upon the knees of our hearts, wish the multiplying of all the blissings of God, peace and prosperitie in this life, unto your Majestie, with the continuance of the same unto your posteritie to the end of the world, and eternall life in the world to come.

"From the place of our imprisonment, November 29. 1605.

"Your Majestie's most humble Supplicants, loving and loyall subjects and daylie orators."

Both this and the former petition having beene delivered to his Majestie, no comfortable answere was sent backe againe, and that through the meanes of the pretended Commissioners, chiefly of Mr John Hall, who gave his Majestie intelligence that they were to be sent, and prevented the favour that might have beene procured by them at the King's hands. The Ministers in Blaknes, hearing of no answere from the King, about the 19th day of December, sent this petition following to the Councell:—

"MAY IT PLEASE YOUR HONORS,—Howsoever it be that we have not obtained that favour of you, as to make any answere at all

unto our petitions, yet we cannot cease to importune your Honours with our new petition, knowing that yee are in the Lord's steed, to do justice and judgement, essaying everie way, and waiting in patience, if the Lord will at any time move your Honors to consider our estates, which now are such, that if they were throughly knowne to you, we are assured they could not but stirre up compassion in the hearts, at least of so many as looke to find mercy and compassion for themselves in that great day. If neither this tedious and closse imprisonment of twenty-one weeks already past; this extreame povertie that we are brought to, through these extraordinarie charges sustained here; the infirmitie of our bodies; the evident danger wherunto we are exposed in the devoring plague, now the second time broken up closse by the gates where we are; the depriving of our soules of the consolation of our ministerie; the distresse of our wives and children; if none of these will move your Honors to compassion, yet let the pitifull estate of above twelve thousand soules in fourteen desolate congregations, famished for want of our ministerie, and impietie and unrighteousnes, to the dishonour of God, and procuring of his wrath against both Church and Commonwealth, abounding among them since our imprisonment, be considered by your Honors, and reguard them and us, as ye would be reguarded in that great day. We intreate your Honors to consider that we are your brethren in Christ, in that same communion of faith and religion; that we have obtained this favour, to be his servants, and to be ministers of Christ in his Gospel; that we are but only messingers, and did nothing save that which was within the compasse of our commission and calling; that the thing which was done, (namelie the keeping and allowing of an Assemblie,) is neither in itselfe unlawfull, being agreiable to all divine and humane lawes, neither any new and insolent thing, being observed and practised forty-three yeares within this Church and Kingdome. And shall no reguard be had of us, specially at this time of so great and rare a deliverie, and rejoiceing of all the Churches? Shall our mouths only be stopped, that we may not with our congregations proclame the prayses of

our God? Is that which we have done as servants and messingers onlie of God and of his Church, within the boundes of our calling, in so lawfull and accustomed a thing, so heigh an offence, that so rare and so large a mantell of protection and deliverie cannot cover, so deepe a mercy and love cannot swallow up? Should we be forced by rigour and extremitie to confesse an offence, wherof, in the sight of God and of his elect angels, and of your Honors, we here protest, that we are not convicted in our consciences? We will cease to trouble your Honors any further, only intreating you, in all humble reverence, by the great name of the Lord our God, and that his glorious appearance, for our former liberties; that our prayers and praises, with our congregations, publicke and private, be not wanting in such a commodious time, of so glorious a mercy shewed; and that the blood of so many soules, ready to perish for want of the blissed truth in our ministeries, cry not in the eares of the said Lord of Hosts, and arme him with greater wrath against this Church and Commonwealth. We recommend your Lordships to his direction and grace, desiring most humbly your Honors answere.

"From Blaknes the 18th of December 1605."

This petition received no better answere than the former. But the word of the home-comming of the Earles of Marre and Dumbarre, in reguard of the petitions sent before to the King, made all men expect a warrand for setting of the ministers at libertie to be sent by them: which made the Lord Chanceller and the Lord President to direct Mr Andrew Forester, minister of Dumfermling, in commission to the ministers warded in Blaknes, to desire them to come to a confession of an offence in their meeting at Aberdene, which had beene required of them before; promising to cause the Councell convene with all convenient expedition, in alse great quietnes as could be, and upon the said confession to set them at libertie. This they did to prevent the effect of the expected warrand, and to get the praise of their libertie to themselves.

The Ministers, considering the thing that was desired, answered,

That as yet their conscience had neither accused them of any offence done to the King; neither could their brethren who traduced them most, though earnestly required therto by their letter, be able to informe them in any thing done amisse by them; neither as yet had any lawfull and cleare triall of judgement, according to the lawes, found them guiltie. So as yet they could not, unless they would lie against the truth of God sealed up in their conscience, make any such confession; but as ever before, so still they were not only readie to suffer whatsoever lawfull and ordinarie triall; and if any man were able, evidentlie to make their offence and transgression [manifest] to their conscience, they would in all humilitỳ acknowledge and amend their fault according to reason.

But notwithstanding these things, the King had resolved to cause put the ministers to the trial of a jurie for treason, because they had refused the Councel's judgement in the mater of their Assemblie. For performing wherof, because the Lord Chancellor and the Lord President feared to prosecute that wicked purpose, in reguard the thing alreadie done by them had given great discontentment to all men; therefore whatsoever might happen, fearing the worst, they had written before to the King, desiring the Earle of Dumbarre to be sent to countenance the matter, that through his presence and assistance the mater might be the more safelie performed, and they somewhat released of the envie, or then more strengthened by his assistance to beare the burden of it. Yet nevertheles, the Earles of Dumbarre and Marre being come to Edinburgh, and having consulted with them in that business, they were all so afrayed to put it in execution that they durst neither publishe it, nor hazard to practise it in the citie of Edenburgh. Therefore, for their greater safetie, they appointed the Councell to sit in Linlithgow upon the 10th of Januarie; because it was within two miles of Blaknes, where six of the ministers were, at whom they aymed cheeflie; so that they might easilie cause bring them from their prison to the barre without forwarning or knowledge of their purpose. And that the place should not give any suspicion of their intention, they caused spred some rumors, that they went

to the said towne for some other more weightie affaires, touching the Gunne-poulder Treason revealed in England, as though there had bene some noblemen of Scotland guiltie thereof, and to be apprehended that day.

A little before this, upon the 2d of Januar [1606], the Councell being convened, and the Earle of Dumbarre with them, the ministers in Blacknes, through some little notice they had, fearing the Earle's errand, which hitherto had bene closely keept, sent a petition to the Councell; which being geven in by Mr William Scot, minister at Cowper, not onlie was rigorouslie refused, but inquisition made with great threatning by the Lord Chanceller of the presenter, saying, "Who durst present such a thing?"

The Ministers, because of the secret intelligence they had, that they were to be accused of treason at Linlithgow, upon the 10th of Januar sent to Edenburgh to Mr Thomas Craige, Advocat for the Church, Mr William Oliphant, Mr Thomas Hope, Mr Thomas Gray, Advocats and Councellers, desiring them to try if they were to be accused before the Lord Justice at Linlithgow, and for what crime; and if they found any certaintie to advertise them, and be ready themselves to keep that day, to plead for them; desiring them withall to come a day or two before to Blacknes, to conferre with them for their better information. And, in the meane time, because they suspected their declining of the Councel's judgment in the question of the lawfulnes or unlawfulnes of their Assemblie at Aberdene, to be the ground wherupon their accusation was to be builded, they sent them a copie of their Appeale, * desiring them to be advised therwith. According to the said Ministers desire, the Advocats mett and advised upon the Appeale, and sent them word that they would be readie to satisfie their desire, both in keeping the day at Linlithgow, and in conferring with them a day or two before, if they could find any certaintie that any accusation was intended against them the said day, whereof as yet they had no assurance; because no warning was geven to the Lord Justice to be present, as he himselffe had told them, and the Councell

* The word *Appeale* in Gibson's MS. is uniformly used for *Declinature* in Swinton's.

still dissembled, as if they had had no such purpose in hand, and made the word go that it was for other causes, as it is said before, fearing both difficultie and danger in accomplishing their intention, if it were published; which also was the cause that made them change the place of the Councell, not darring hasard to attempt so ungracious an action, upon so slender grounds, against such persons within Edenburgh. Which dissimulation of the Councell, and contrarie rumors going theron, made the said Ministers secure, and so much the rather, because no summonds nor warning was directed against them, for their appearing to answere in any thing before either Councell or Lord Justice, or any other judge; which they thoght should have beene done in reguard that they wer warded for no crime.

Upon the 8th of Januar the forsaid Advocates came to Blaknes, without any certaintie as yet of the forsaid purpose, being sent from the Earle of Dumbarre to sie if they could bring the Ministers wairded there to acknowledge an offence in their meeting, and to submit themselves to the King's will and pleasure; wherein they laboured verie earnestly, although the said ministers had, by sufficient reason, made them apprehend the equitie of their cause, and the great discommoditie which by their said confession or submission would follow, to the prejudice of the libertie of the Church of God and kingdome of Christ. After the which reasoning, the said Advocats having layed before them the appearing dangers and difficulties which were liklie to arise, upon their refusing, to their persones, and to the estate of the whole Church of this land, they left them to advise that night, and so departed to Linlithgow, without any resolution touching the forsaid purpose of their future accusation, save only their promise to be in readines to pleade for them, if need should require.

Upon the 9th of Januar the ministers in Blacknes sent their forsaid resolution to the forsaid Advocats to Linlithgow, to be imparted to the Earle of Dumbarre, desiring Mr Thomas Hope to take the paines to come and conferre with them, touching the bussines which they had neglected the day before: Who, being come,

he renued againe the forsaid sute of submission, and by many arguments endeavoured to persuade the imprisoned ministers to consent therto; whose arguments they satisfied with sufficient reason, to the contentment both of the said Mr Thomas Hope, and such of their brethrein as, in a reasonable number, were come to visite them, upon the rumor that they were to be accused at Linlithgow the next day following; namelie, Mr John Scrumger, minister at Kingorne; Mr Mitchell Cranstoun, minister at Cramont; Mr Robert Eklin [Echlin,] minister at Ennerkething; Mr Robert Colvill, minister at Culrose; Mr John Row, minister at Carnok; Mr William Arthur; with divers other godly and zealous brethrein. So after a short conference touching the principall bussines, without any effectuall resolution, the day being spent, Mr Thomas Hope returned to Linlithgow. After whose departing Mr James Melvill came to Blaknes, with Mr John Dikes and Mr William Murray, being moved, by some advertisment upon the forsaid rumours sent to them, to go to Edenburgh for further triall of the truth of the said bussines, and upon the knowledge which they had received there, were moved to go to their brethrein, to accompanie and assist them the nixt day, as necessitie should require; by whom the Ministers in Blaknes were first assuredlie informed of their future accusation.

## CAP. VIII.

### OF THE CONVOYING OF THE MINISTERS FROM BLAKNES TO LINLITHGOW, AND THE DEALING WITH THEM BEFORE THEIR ARRAIGNMENT.

Upon the 10th of Januar, two houres or therby before day, the guard came to the Castell of Blaknes, and with sound of trumpet wakened the Constable, shewing that they were come with a warrand to receive the warded ministers, and convoy them to the Councell, who were caused to make themselves ready in haste, because the Councell had directed them to come before

them at seven of the clock in the morning at the farrest. Thus were they as malefactors convoyed to Linlithgow, and put in a chamber within the Palace, and still attended by the guard.

An hour or thereby after their comming, through the mercifull providence of God, they found a great number of the gravest, wisest, and most zealous of their brethren, besides [those] that had beene with them the night before, farre beyond their expectation, assembled, to their great comfort; of whom were Mr Andrew Melvill, Mr Patrick Symson, minister at Stirling, Mr Archibald Symson, minister at Dalkeith, Mr John Ker, minister at Saltprestoun, Mr William Birnie, Mr John Carmichell, Mr Henry Levingstone, Mr Adam Ballenden, Mr Ninian Drummond, with diverse others from diverse Presbyteries; with almost the whole brethren of the Presbyterie of Linlithgow, Mr John Bell, minister at Cather, of the Presbyterie of Glasgow, and some from the Presbyterie of Dumbartane; in all forty or thereby.

Thus, they being in the chamber within the Palace, the Lords Newbotle, Blantire and Whittinghame,* were directed to them from the Councell; who, by earnest persuasion, and many arguments taken from the danger like to follow, laboured with them to take back their Appeale geven before the Councell, promising that if they would do so, they would intercede at the King's hands for their libertie; and laying before them the great prejudice, that the sentence of the Councell already pronounced, finding themselves judges in that cause, notwithstanding the said Appeale, might bring to the cause of Christ's kingdome and libertie of the Church, together with the manifold inconveniences which, through their refusing, were most like to follow, partly upon the King's wrath and indignation, wherby he should be moved to deall more hardly with the Church, through diminishing the liberties therof, and erecting and bringing in the tyrannicall authoritie

* Three of the Lords of Session, Mark Ker, Commendator of Newbottle, William Stewart, Commendator of Blantyre, and Archibald Douglas of Whittingham; the two former were, in the course of 1606, raised to the Peerage as Earl of Lothian and Lord Blantyre.

of Bishopes over their brethren, which was the thing they feared most; and partly upon the condemnatorie sentence which doubtles would be pronounced against them by the jurie, convicting them of treason for rejecting of his Majestie's Councell, which would be a most dangerous preparative, if, through their wilfulnes, it should be often practised. Thus subtily they endevoured to make it appeare, that what they had already resolved to performe, for their particular ends, against Christ, should proceede of the ministers obstinacie in refusing to yield to the King on a thing (as it seemed to them) indifferent.

The Ministers answered, That as through necessitie, for defence of their Christian libertie and maintenance of the spirituall libertie and jurisdiction of the Church, they were compelled to give in the said Appeale, upon the Councel's obstinat refusing to admit their humble petition, grounded both upon the Word of God, law, reason and practise, desiring that in that mater of the lawfulnes or unlawfulnes of their Assemblie, for the which they were warned to answer before their Honours, they might be sent backe, (it being an Ecclesiasticall cause,) to the lawfull and ordinary judgment of the Generall Assemblie: so, likewise, through the like necessitie, they were forced to refuse to revoke their Appeale againe, seeing it was the only defence whereby the Church might secure itselfe from the iniquitie and inconvenience of the forsaid sentence, which, by the revoking of the said Appeal, should be made to stand in full strength and force against the Church, and libertie of the spirituall jurisdiction therof, as a most dangerous preparative in all such cases, in all times coming. Touching the dangers that might follow, either to the Church in general, or to their persons in particular, upon the forsaid pretended grounds of the King's wrath, and sentence of treason to follow upon them, they would not be persuaded that the King, their gracious Souvereigne, could any wayes be moved to any indignation, either against the Church or their persons, for their proceidings, being so lawfull and warranded by the grounds before specified, and tending to no other end but the necessarie distinction of the spirituall and civill jurisdiction hitherto inviolably

observed, both by practise, and the King's own presence, to the great comfort both of Church and Commonwealth, and authorised by his Majestie's own lawes; neither yet that any judge or jurie, that had any respect, how small soever, either of God's eternal judgment, or of the peace and joy of a good conscience, and the smallest reguard of the kingdome of Christ, and libertie of their native country, could be induced to involve themselves in so fearfull a guiltines as to convict so innocent persons of so heigh a crime. And although all these things should happen, yet they could not find any warrand in conscience to deny so dutifull a testimonie in so necessarie a time, or to depairt from so lawfull a defence, in a cause so dangerous to the Church, and in so doing to betray the libertie thereof. And seeing they knew that it was not the will of God that evil should be done that good might come of it, they could not choose either to redeeme the Church from supposed thraldome, or their persons from any intended peril, by so grievous a transgression; since they were assured that not only their owne consciences, but their Honours also should beare them record, that whatsoever harme were done to the Church of God, or wrong to their persons, should proceede from no just cause ministred by them, howsoever the enemies of Christ and his kingdome, whose purpose was by policie to tred under foot the libertie, frie and lawfull jurisdiction of Christ's kingdom, should pretend these proceedings as a cause or cloake to cover their iniquitie; and therefore they had rather choose to commit themselves and that cause to the direction and government of God, who had the hearts and hands, the wayes and working of all creatures in his hand, without whose providence they knew that neither any hurt could come to the Church, nor a haire of their heades fall to the ground.

After this, some of the Lords, finding themselves to prevaile nothing by their publick dealing with all in common, delt with them severally apart, endeavouring by fair promises of recompence of losse and libertie to persuade some of them to yield. But finding their labour lost, they returned to the Councell; and within a short time therafter came backe againe with the Lord Collector,

the Lord Advocat,* and Sir Robert Melvill, where the Lord Advocat, having made some signification of the Councel's good affection and earnest desire to have the mater agried with contentment to the King, peace to the Church, and safetie of their persons, did afterwardes declare the necessitie of their proceeding to cause put them to the triall of a jurie, before the Lord Justice, in reguard of the King's direction contained in his letter, which the Councell had sent with his Lordship there to shew to them; and the inevitable convicting of them, if they should hazard to undergoe such a triall, in respect of the first Act of the Parliament 1584, ordaining all persones, of whatsoever estate or calling, to incurre the paine of treason, who should presume to reject the judgement of the King or of his Privie Councell, in any cause whatsoever; and herewith did aggravate the danger before specified, which would arise hence; and therefore, that it was their Honour's earnest desire, since no other thing could satisfie his Majestie, that they should take backe their Appeale againe, and so hinder the forsaid triall and danger that might follow theron.

To this they answered, That if their Honours would abrogate the Processe and Act of Councell which was made against them, that it might not remaine as a preparative thereafter, to the prejudice of the Church of God, and spirituall officers therof, in such causes, they would in that case be content to revoke their Appeale; otherwayes they would not, for the foresaid causes. To this the Lord Advocat replied, That the Lordes could not consent to that condition, because the forsaid Act, wherin they had found themselves to be judges, was alreadie inserted and recorded in their bookes, and so could not be abrogated or taken out againe.

The Ministers answered, That in case the said Act could not be taken away, yet they would be contented to take backe their Appeale, provided that their Honours would make another Act annulling the former, and taking all strength and authoritie from it; that it might neither stand against them as an argument, that they

* Sir Thomas Hamilton, afterwards created Viscount Melrose, and Earl of Haddington.

were convicted in the mater of the lawfulnes or unlawfulnes of their Assemblie, for which they were warned to appeare before their Honours, nor yet as a preparative to be alleadged any time hereafter against the Church, to the prejudice therof, in the like cases. The Lord Advocat replied, That the Lordes could not annull the forsaid Processe and Act convicting them, set downe against them; neither was it needfull for them to require it, for any danger that thereof, by revoking of their Appeale, might come to the Church, since their Appeale was given in by them as one of their defenses, in the particular action persued against them before the Lords; and, therfore, as anie man might lawfully depart from his defences without prejudice of any other person in the like cause, so also they might depart from their Appeale, it being given in as their defence, without prejudice or harme to the Church at any time hereafter. The Ministers answered, That if their meeting at Aberdene, and proceedings thereat, and so the action persued before the Privie Councell therfore had beene their owne particular, and not the common cause of the Church of Scotland, his Lordship's argument might have had some appearance of reason to persuade them; but since they were not privat persones in the forsaid proceedings, being sent with Commission from their brethren, and representing their persones in all that they did, according as in all Assemblies, both civill and ecclesiasticall, the persones assembled by commission do represent the whole body of those that sent them, it could not be but whatsoever they did in that bussines behoved to concerne the whole body; and therfore their departing from their lawfull defence in that action, wherein they stood for the Church, as their Commissioners, representing their persones, behoved to be prejudiciall to the whole Church in all times comming. And therfore his Lordship's reason could be no warrand to their conscience in that cause, upon any respect of their owne ease or relief, to bring into danger by their deed the libertie of the whole Church and kingdome of Christ within the land.

The Lord Advocat, with the other Lords there present, desired

the Ministers to take the advise of the gravest and wisest of their brethren convened there for the time, and after consultation with them to returne their answere to the Councell, within alse short time as they could, because the day was farre spent. The Ministers answered, That howsoever they were in that mater sufficiently resolved, and by the assistance of God's grace, ready to suffer whatsoever severitie it should please the Lord to permit to be used against them, yet, neverthelesse, they would not refuse the benefit of their brethren's advise, according unto which they would returne their answere to their Honours. Thus the Lords departed, and the brethren of the ministerie that convened at that time, about forty or therby, (as it hath bene said,) were admitted to them.

After calling on the name of God, the six Brethren that were to be accused having layed open the mater to the other brethren, and declared their resolution therin, rather to abide the uttermost danger, in hope of the Lord's assistance, before they would, by recalling their Appeale, prejudge the Church in her lawfull libertie, geven to her by Christ her Lord, in his Word, and now in his mercy approved by the lawes of this land, and so long possessed and practised with such a blessing; finding in their conscience that all men had just reason, by such a deed, to hold them as traitours to Christ and his Crowne, and betrayers of the liberties of his Church and kingdome: Therfore they desired them, either by some cleare light out of God's Word to informe their consciences to the contrarie, which they would be ready in all humilitie to embrace, or then to assist them by their comfortable encouraging, that they might be the more enabled and strengthened to give a faithfull and frie testimonie of the truth of God, since now they were called therto, and to beare in patience, with joy and cheerfulnes of heart, whatsoever were the will of the Lord that they might suffer therfore.

The Brethren of the ministerie being greatly comforted with the constant resolution of those that were to be arraigned in so manifest a danger, as willing rather to lay downe their lives then, in

the smallest iote, to prejudge Christ of his glorie and honour, and his Church of her libertie, or to make any shew or appearance to their adversaries that they were any wayes ashamed of the truth of God and testimonie of Jesus; they were so much the more moved to compassion, and therfore did gravelie dispute and reason, whether their brethren might *pro tempore et loco* call backe their Appeale, with protestation to be made, either by themselves or their remanent brethren, that it should be nowayes prejudiciall to the Church therafter, that so (if possibly it might be) their brethren might be delivered from the imminent danger.

These things being considered by the brethren, and for a certaine time discussed, in end everie man being particularly inquired of his judgment, it was found, by an universall consent, the brethren to be arraigned could nowayes, without great prejudice to the Church of God, take backe their Appeale at that time, for any danger that could therby come to their persones; and that no protestation could either be a sufficient warrand of dutie in the brethren to be arraigned, nor yet anie safetie to the Church, in any time thereafter, in such cases as the revoking of the Appeale: And, therfor, this second advise was taken, for eschewing of the present apparent danger, That the Councill should be earnestlie intreated to differre the present proceeding, and to grant a certaine space of time to their brethren then to be accused, to go to their Synodes and Presbyteries, who had sent them in commission, and therfore without their advise could do nothing in that bussines, upon suretie, that either they should returne answere in the said mater, according to the advyse and resolution of their brethren, to the Councel's contentment, against such a reasonable day as their Honours should appoint, or then against the said day they should enter their persones againe in ward, to be answerable, as now, to the lawes, in any thing they had to accuse them of concerning the said Appeale. And for this effect, by common consent, Mr James Melvill, Mr Patrick Symson, Mr John Carmichell, Mr Adam Ballenden, Mr Henry Levingstone, were sent to the Councell, to shew to the Lords the brethren's present resolution, and humbly to desire a

further time to them to advise, as said is. Which Commissioners comming before the Lordes, and having humbly thanked them for that favour, that it had pleased them to suffer the persones to be accused to consult with the rest of the brethren in so weightie a mater, and having declared the manifold, grave and weightie reasons, which, for the present, hindered their brethren to revoke their Appeale, notwithstanding any danger that might befall their persones, they humbly besought their Honours to agrie to a certaine delay upon the forsaid conditions. Which sute the Councell flatlie refused; assuring them that either presentlie they behoved to revoke their Appeale, or to undergo the triall and censure of the law.

This answere being returned, the Brethren all together humbled themselves before the Lord, and earnestlie recommended that cause and themselves to his government. Immediately after, they were convoyed by the guard to the Townes house, and were brought in before the Lord Justice-Deputie, Sir William Hart, knight, being assisted at that time in judgement by the Lords of the Privie Councell following:—The Earle of Montrose, Great Commissioner, and the Earle of Dumfermling, Lord Chanceller, sett together alone on the heighest bench; and below, on the Lord Justice his right hand, the Earles of Marre and Dumbarre, the Lordes Glames, Newbotle, Balmerinoch, Lord President, Tullibarne, and Blantire, with Sir Robert Melvill elder, knight; and on his left hand, the Earle of Linlithgow, the Lords Elphingstone, and his sonne the young Lord Abercorne, the Lord Controller, Holyrudhouse, Whittinghame, Clerkintone, the Lord Collector and Kilsyth.

## CAP. IX.

### THE ARRAIGNMENT OF THE MINISTERS BEFORE THE LORD JUSTICE, WITH SUCH PROCEEDINGS AS HAPPENED BEFORE THE CALLING OF THE JURIE.

The Lord Justice-Deputie, having declared to the six Ministers

that they were accused of treason for declining from the judgment of the King's Privie Councell, and therefore were to be put to the triall of a jurie, inquired of them whom they would name to be their advocats. They named Mr Thomas Craige, Mr William Oliphant, Mr Thomas Hope and Mr Thomas Gray, who all four had promised to pleade for them: but the first two being called, and thereafter sent for, appeared not, being forbidden before by the Lord Chanceller; and knowing before, that no pleading or reason whatsoever would stay the Councell from their conclusion of condemning the Ministers, thought it fitter to obey the said direction of the Lord Chanceller, then to appeare to no purpose. The Lord Justice asking the Ministers againe, If they were contented to have these two Advocats alone; they desired him to send for the other two also, since they were in the towne, and had come of purpose to plead for them; which being done, the messinger returning, reported that they refused to come. Wherupon the Lord Justice, the third time asking them if they were contented with the present Advocats, they answered they were, seeing they could come by no moe. Then, he inquiring at Mr Thomas Hope and Mr Thomas Gray, if they would pleade for the accused ministers; they desired the Lord Justice, according to the Act of Parliament, to cause the other two that had refused, to appeare with them and pleade, seeing the one was particularlie obliged therto, namelie, Mr Thomas Craig, as being ordinarie Advocat for the Church in all her causes, having a yearlie pension for that purpose, whereby he caused the ministers to looke for him, and trust their action to him with the rest; and, therefore, his Lordship ought to urge and command them, as said is. The Lord Justice answered, That he would urge no man to pleade, if he were not willing to do it of his own accord; and therefore willed them to answere, If they would plead in the said cause. They answered, That, seeing the cause was good, and the persones honest, they would do as the Lord should assist them, if his Lordship would give them libertie; Mr Thomas Gray adding, That he would give his life for that cause which they maintained. The Lord Justice, after divers

drifting answeres, affirming that he would not hinder them, at length, through their importuning to have a warrand of his permission, he yielded therto. Then Sir Thomas Hammilton knight, Lord Advocate, accused the ministers for declining treasonablie from the King's royall authoritie, in their Appeale given in before the Councell.

But before we proceide to so ungracious an action, let the Reader first consider the disposition and qualities of that spirit that penned that booke of "Declaration," published by the Councell, in their owne name, who ar not ashamed to affirme, that the Ministers were earnestly intreated by their brethren (permitted, upon their earnest request to the Councell, to conferre with them) to come to an humble submission and repentance, as also that their two cheef Advocats refused directlie to pleade for them, for their obstinacie, in that they could not perswade them to the same course of humilitie, wherein they had dealt earnestlie with them. It is true, indeed, that the said lawyers delt with them to that effect, before divers of the ministerie convened at Blacknes the 8th of Januar; and, likewise, Mr Thomas Hope alone without them the 9th of Januar, before many of the brethren. *

Bot all departed satisfied with their reasons when they had heard them, only lamenting the inconvenience quhilk they feared to ensew, in respect of the violent course they persaived to be in hands; and all promeissed to be in readines to procuir † for them, allbeit they understood it would availl nothing; and so these two principall Procurators were stayed therefter be the interdiction given be the Chauncellor contrair to their purpose and intention, haveing come to Linlithgow for no uther earrand bot to procuir † for the Ministers. And, touching their brethrein of the ministrie, it is trew, at their comming some wer contrair myndit, and by these the Counsell looked to have reapped some advantage against the persons to be accuissed; therfor did they willingllie urge them to take their advyse, hoipping that it sould have beine to their effect. Bot the matter being oppened, and the cause cleirly con-

* From the place marked at p. 440 to this is not in Swinton's MS. † *i. e.* to plead.

sidered, there was not one of all that were present who did not justifie their accused brethrein, and gave their advyse to them to be constant, and did glorifie God for their fidellitie, uprightnes, wisdom and constancie in that matter, giveing them the right hand of fellowship, and promeissing to live and die with them in the maintenance of that trueth for the quhilk they suffered. Yet nothing could stay the Counsell from their purpose; and, therfor, the Sex Ministers being brought, as said is, befor the Lord Justice, their indytement was grounded upon the first statute maid in Maij 1584, and upon their Declinatour forsaid, alledged to be a manifest violation of the said statute.

The substance of the lybell containing their dittay was as followes:—

"Forsameikle as be first Act of Parliament halden upon the twentie-two of Maij 1584, it was statute and ordained that his Highnes, his aires and successors be themselffes, and their Councells, are and in tym comeing sallbe judges competent to all persons, his Hienes subjects, of quhatsoever estaite, degrie, functione or condition, quhatsoever they be of spirituall or temporall, in all matters quhairin they or ony of them sall be apprehendit, summoned or chairged be our said sovereigne Lord and his Counsell; and that nane of them quhilk sallbe apprehendit, called, or summoned to the effect forsaid, presume or take upon hand to declyne the judgment of his Hienes, his aires and successours, or their Counsell in the premisses, under the paine of treassoun: Notwithstanding quhairof the pannel, &c., being chairged to compeir befor the Lords of Secreit Counsell upon the twentie-four of October, to have answered for their contemptuous haulding of the Assemblie upon the second day of Julij preceiding, efter that the Laird of Lawrestoun, his Majestie's Commissioner, had expresslie refuissed, and efter that the Pannell * was charged upon the first day of Julij, under the paine of horneing at the Mercate Crosse of Aberdein, not to hauld the said Assemblie, and also against the will and command of the Counsell, quhilk was notified to the pan-

* The word *pannel* throughout the history of this trial means *the ministers libelled.*

nell be the Counsell, be ane letter direct from them to the pannell, and delyvered be Lawrestoun; and sicklyke Mr John Welshe being chairged to compeir befor the Counsell, to have answered for the contempt of conveining at Aberdeine upon the thrid, fourth, and fyft dayes of Julij therefter, with diverse of the brethrein, and ratifieing of the said Assemblie in contempt of his Majestie; they and everie ane of them treasonablie declyned the Counsell, as no wayes judges competent to them, be their Declinatour, givine in and subscryved with their hands, allbeit the said cause and cognitione therof was competent to the Counsell, being for punishment of ane manifest contempt against his Majestie in haulding of the said Assemblie; quhilk they no wayes could misknowe or pretend ignorance of, in swa farr as it was answered be the Advocat, that their Declinatour ought to be repelled in respect of the said Act of Parliament, quhairby all Declinatours are declared null, and the exponners thereof to incurre the paine of treassone; lykeas, in respect of the said answer and reply, their Declinatour was repelled; and yet, notwithstanding, the pannell proponed the rest of their deffences, adhering to their Declinatour efter it was repelled; and so be proponeing of the Declinatour and adhering therto efter the same was repelled, the pannell hes incurred the paine of treasone."

The lybell being red and resaived be the Advocat, the Pannell was desyred to schow quhat they had to say for themselffes, why they sould not pas to the tryell of ane Assyse. It was answered, be the Procuratours for the pannell, That they ought not to pas to the tryell of ane assyse in respect they wer not summond upon fourtie dayes wairning to that effect, as the custome is in matters of treassone; and so could not be sufficientlie informed nor instructed in their lawfull deffences, their dittay and crymes quhairof they are to be accuissed no wayes be[ing] forshowen nor revealled to them; [which could not agrie with law, which ordaines everie persone that is to be accused to be summoned so many dayes before. But it is most certaine that the accused persones were that same day brought directlie from the prison to the barre, without any sum-

monds executed against them, declaring the crime wherof they were to be accused; whereof the like practise had never bene used against any subject of whatsoever condition or calling.*]

The Lord Advocat answered, That howsoever the law ordaines that order to be keept with persons unapprehendit, yet quhair the pairtie committers of treason is in hands and put in waird for the same, he may at any tyme, without citation presentit to the pannell, be put to ane assyse; and for this [he] alledged the practeisse used in the person of [James] Wood, younger of Bonnytoun;† [and therefore the Lord Justice ought to proceid in putting the ministers to the triall of a jury, notwithstanding the forsaid alledging.‡]

The Prolocutors for the pannell answered, That the forsaid exception could not be relevant against the pannell, in respect allbeit they wer in hands, yet naither wer they apprehendit nor imprissoned for treasson, bot for the haulding of their Assemblie, quhilk was not, neither could be accompted ane treassonable cryme; and therfor, seeing the pannell to that day had never bein suspect, sclandered, accuissed, or committed for treasson, the Justice could not proceid against them for the present, [without manifest wrong;§] the instance of Bonnytoun na wayes agrieing with their caice, he being both committed and apprehendit for ane treassonable fact, and no such practice ever haveing past, that a person allbeit in hands, and put in waird for ane uther cause, sould therefter bot citation be accuissed of treasson.

Hereupon the Lord Justice commanding the Ministers and their Advocates (who stood closse by the Lordes on his left hand) to stand backe a little, that place might be geven to the Lordes to conferre together, the Lord Chanceller rounded a little while with the Lordes on the left hand, and the Lord Justice himselfe with the Lordes on his right hand; after which the Lord Chanceller and he rounded together; wherupon he pronounced the Interlocutor, repelling all that had beene propounded for the minis-

* From Gibson's MS. † See *Pitcairn's Criminal Trials*, vol. ii., p. 340.
‡ From Gibson's MS. § *Ibid.*

ters, and declared that they behoved to undergoe the triall of a jurie, and therefore willed the Advocats to propound what they had to answere to the dictay itselfe. *

The answere made by the Advocates for the ministers: First, They alledged that the Act of Parliament maid in Maij 1584 could no wayes militate against the pannell, nor the pannell to incurre this paine of treasson through proponeing of their Declaratour, becaus the said Act of Parliament is only maid for establishing his Majestie's royall authority over all persons his Hienes subjects, of quhatsoever estaite, as is manifest be the ruberick and inscriptione of the law. And allbeit it may appear that the said Act not only incluids all persons, bot also incluids all and quhatsoever matter; † yet these general words cannot be extendit bot allanerlie to these matters quhilk appertaines properlie to the jurisdiction of the Secreit Counsell; for, otherwise, if they be generallie understood, there might follow ane great inconvenience, viz., ane confusion of all jurisdiction; and it would be treason to any person, being conveined for spoillzie befor the Secreit Counsell, to declyne them and appeall to the Sessione, or being chairged for adullterie, to declyne them and appeall to the Justice, who is onlie judges competent in criminall matters. And as there are diverse jurisdictions Civill, quhilk are supreame, ilk ane of them to their own kynd, so there is ane supreame jurisdiction Ecclesiasticall, quhilk has ane warrand of the Word of God, and is established be the expresse lawes of this realme; *videlicet*, be the Acts of Parliament maid 1579, be ane uther maid *in anno* 1582, and be the thrid *in anno* 1592; quhilk Ecclesiasticall jurisdiction hes their own propper matters quhilk cannot be propper to the Secreit Counsell to cognosce upon, bot pertains to the Ecclesiasticall judicatories; of the quhilk nature is the Generall Assemblie; and therefor the pannell, in declyneing of the Counsell, being challenged of the lawfullnes or unlawfullnes of the Generall Assemblie haulden be the pannell, hes done no wrong.

* This paragraph is taken from Gibson's MS. It is represented in Swinton's only by two lines.

† *i. e.* Causes.

And allbeit it may be answered, That the pannell was conveined for contemptuous haulding of the Generall Assemblie against the King's Majestie's chairge, yet it cannot alter the nature and quallitie of the pannell's Declinatour, quhilk is only for declyneing of the Counsell, in swa farr as the pannell was chairged upon the unlawfullnes of the Assemblie; for if they had bein summonded only for the contempter, they would never have used any declinatour, bot being summoned *ex hoc medio, videlicet,* upon their contempt, to heir and sie their Assemblie decerned unlawfull, they might lawfullie use their Declinatour, for the action takes its nature from the conclusion, and not *ex mediis;* and so the conclussions being *ecclesiasticæ jurisdictionis,* viz., of the lawfullnes or unlawfullnes of the Assemblie, the haile action most be compted *ecclesiasticæ jurisdictionis,* suppose * the midst quhairupon they were conveined might appeare to concerne the jurisdiction civill. And this was maid clear by ane examplle of ane spoillzie; for of ane fact of spoillzie there arysses two actions, namelie, if the pairtie be called for restitution of the goods, ane civill action befor the Lords of Session; and if the pairtie be called for oppression, ane action propper to the Secreit Counsell.

To this it was answered, be the Advocat, That the Acts of Parliament maid *in anno* 1579, and *anno* 1581, cannot derrogat to this Act 1584, becaus the same is posteriour to them. And as to the nature of the actione quhilk was persewed befor the Lords of the Secreit Counsell against the pannell, the same was maist competent to them, becaus they are judges not onlie to contempt, bot also to the lawfullnes or unlawfullnes of the Assemblie following therupon, quhilk was haulden be the pannell against the will of the Commissioner, the King's Majestie's chairges, and the Counsell's missive; lyk as the Lords of the Secreit Counsell repelled their Declinatour. And efter the same was proponed and repelled, quhairby they could not misknow bot they were judges competent, they adherring to the said Declinatour.

Thirdlie, The Advocats alledged, That the Acts of Parliament

* Although.

could not be extendit to the pannell's Declinatour, becaus the intention and meaning of the law must be cheiflie respected; bot swa it is, that the words, meaning and intention of the law, are only quhair any pairtie is summoned *super inquirendis*, in the quhilk caice their is a very good reasone, quhairfor the pairtie who declynes sould incurr the paine of treasson, becaus he declyning the King and his Counsell befor he knew the matter laid to his chairge, of what nature or quallitie it is of, he expones * his person from his Majestie's royall authoritie; quhilk cannot be verified in the pannell's cause, quhair they declyne only the competencie of the judge, in matters Ecclesiasticall, and no wayes refuisses to submitt their persons to his Majestie's authoritie; and therfor the said law cannot be extendit against them, speciallie seeing the same is odious, *et odiosa sunt restringenda*. And that it is odious it is clear, becaus be the consent of all the Doctours that is declaired to be odious quhilk is induced † against the common law, and quhairby ane third person is prejudged of his right; of the quhilk nature this law is, becaus thereby that is maid treassone quhilk, be the common law, the consuetude of the countrey, was not treasson of befor.

To this it was answered, be the Advocat, That the words of the law are generallie to be understood in all matters, and the pairtie cannot excuisse himselff, becaus he was adverteissed of the nature of the accusatione quhilk was to be layed against him; but generallie the law comprehends all causses, and must be extendit to their Declinatour, likeas of befor was decydit against Mr David Black, minister, be the King's Majestie.

Fourthlie, It was alledged, That suppose the Declinatour might fall within the compas of the law, yet the pannell cannot be counted traittours, nor the assyse cannot fyle them as treassonable declyners, becaus the law calls not declyning treassonable, bot punishes the samen with the paine of treassone.

To this it was answered, be the Advocat, That all crymes quhilk are punished with the pain of treasson are treassonable.

* Exempts. † Brought in.

Finallie, It was alledged, That this Act of Parliament could nowayes stryke against the pannell to make them to incurre the paine of treasson, becaus the jurisdiction of the Kirk is ane severall jurisdictione established be the Word of God and lawes of the realme, and speciallie be ane Act of Parliament haulden upon the first day of Junij 1592; be the quhilk Act not onlie the Generall Assemblies are ratified and approven, bot also it is expreslie declaired that this Act quhairupon they are accuissed, being the hundreth and twentie-nyne Act of the Parliament, haulden at Edinbroughe, upon the twentie-two day of Maij 1584 yeirs, sall nowayes be prejudiciall, or derogate any thing to the priviledge God hes granted to the Spirituall office-bearers in the Kirk anent heads of religione, matters of heresie, excommunication, collation or deprivatione of the ministers, or sicklyk essentiall censures, speciallie groundit and haveing warrand of the Word of God; and swa the said Act of Parliament is expreslie abrogate in so far as it may touche the Generall Assemblies and haulding therof, the samen being ane speciall Ecclesiasticall censure, founded and haveing warrand of the Word of God, and being be the said 1592 ratified and approven, and declaired to be good and lawfull; lykas the Generall Assemblie is ane Ecclesiasticall censure of the lyke nature with these particulars, quhilks are enumerat in the said Act, because in Generall Assemblies the speciall things intreatted are concerning heads of religione, matters of heresie and excommunication, collation and deprivation of ministers, *et ejusdem est naturæ totum, cum suis partibus.*

To this it was answered, be the Advocat, That the Act 1592 is ane exception from the said Act 1584; and so the samen affirmes the said law 1584. Bot so it is, that the haulding of ane Generall Assemblie against the command of his Majestie's Counsell and Commissioner, and to the contempt of his Hienes authoritie, is neither a head of religione, matter of heresie, excommunicatione, nor deprivation or collation of a minister, or Ecclesiasticall censure; therfor the said law must be extendit against the samen, it not being contained in the exception as said is.

These reasons being dited and written in the Lord Justice his bookes, as they were taken at more length from the mouth of the forsaid Advocats, the Lord Justice, after the maner before mentioned, (being strange and uncouth to all the beholders, that no frie reasoning, grave deliberation, and open voting was used in so weightie a mater,) did himselfe round with the Lords on his right hand, and the Lord Chanceller with those on the left hand; and thereafter having rounded with the Lord Chanceller alone, being about to pronounce the Interlocutor upon the foresaid reasons, the accused Ministers desired of his Lordship that they might be heard, for the better information of his Lordship and the rest of the Lords, before any Interlocutor were pronounced in that mater;* and being permitted to speak, persaiving that upon the word *simpliciter* contained in their Declinatour, occasion was taken be their adversaries to misconstruct and callumniat their proceidings, as though they had maid a plaine denyall of their subjectione to his Majestie, and of his royall power and authoritie over them, and did disclaime themselffes altogether from all subjection to his Majestie's Counsell, [in any cause whatsoever;†] therfor, for removeing that pretence from the Justice and Lords of their proceidings, and all prejudice quhilk by that callumnie might be fostered in the hearts of any against them, and to make both the Justice and his assessours inexcussable, [as before God, so in the sight of men,‡] if they sould proceid against them for that cause, they did explaine and cleirly manifest the trueth of their meaning in their Declinatour, according as they had signified their mynd in their supplication given in befor their Declinatour. The substance of their explanatione dytted be themselffes and registrat in the Justice bookes, was to this effect:—That they were never myndit to refuisse or detract the King's Majestie's royall authoritie as over all subjects, so over all these of the ministrie in their persons, guids and gear, bot were ever readie, and there did

* From the beginning of the paragraph to this place is from Gibson's MS., being fuller than in Swinton's.

† From Gibson's MS. ‡ *Ibid.*

in all humilitie confess the same, and did submitt themselffes therto in all obedience; as likwayes to all uther inferiour judicatours of the land, and speciallie to the Counsell, in all matters quhairin they are appoynted judges over any uther, his Majestie's subjects in the kingdome; allbeit in the things that concerne the Kirk of God and jurisdiction therof, and speciallie in the matter quhairupon they were accuissed, they had good reasson and warrand, be the Word of God and lawes of the countrey, to declyne his Hienes Counsell as no wayes judges competent therunto. For as his Majestie does judge all civill causses concerning the Pollicie be the advyse of Civill persons, so his Majestie sould cause Ecclesiasticall matters to be determined be Ecclesiasticall persons allanerlie;* declairing the Generall Assemblie to be the only lawfull judge to decerne of the lawfullnes or unlawfullnes of the Assemblies of the Kirk, unto the quhilk they did submitt themselffes, and to his Majestie, being present therin, as in tymes past, as ane honorable member of the Kirk of God.

The Advocat and Justice persaiving by this declaratione and preceiding reassons, all that were present to pittie and abhore the rigour and extreamitie used allreadie against the Ministers without any just cause, [finding the mater so cleare to the consciences of all men, that there was none how simple soever, that did not evidently perceive the wrong already done to them, †] and that it would be accompted a matter odious to all men, if any conviction sould pas against them, [or any hurt be done to their persons, ‡] efter so clear a demonstration of their innocencie, they laboured instantlie with the pannell to perswade them to lift their Declinatour, that the process might stay and proceid no further.

To the which the Ministers answered, That, as before, so yet still they were contented to take backe their Appeale, if their Honours would annul the Processe deduced against them, and the Act of Councell made thereon; otherwise they could not, with a safe conscience, expose themselves and the Church of God, in all times hereafter, to the danger of such a decree as they had pro-

* Only. † From Gibson's MS. ‡ *Ibid.*

nounced, so prejudicall to the kingdome of Christ and frie jurisdiction of his Church, ordained by God, approved by the lawes, and practised so long with such a blessing in this land; which they behoved to do, if they should deprive themselves and spoile the Church of so lawfull and necessarie a defence: but they were contented that that exposition of their Appeale should be recorded in the bookes of Councell, as the verie truth of their mynd and intention in that mater, to make it knowne that they did in nothing, by appealing, derogate to the King's royall prerogative, or to the lawfull power and jurisdiction of his Majestie's Councell over their persons. *

The Lord Justice upon this answer pronounced his Interloquitor, repelling all the reassons used be the Prolocuttors for the pannell, ordaineing the Ministers to pas to the tryall of ane assyse, the conclussion being taken befor their coming there, that quhatsoever sould be alledged, they would have the Ministers convict, and so put their lyves in his Majestie's hands by terrour of that sentence, thinking to bring them unto that submission and confession quhairto, by no uther travell, they could perswade them. The Justice haveing pronounced this most unjust interloquitor, affirmeing that all the Lords, in ane voyce, had so decerned, the Lord Hallyrudhouse, and Mr John Prestoun, Collectour, † publictlie opponed, declairing they had not all consented to so unjust a sentence, and, therfor, willed the Justice not to lay that blott them. ‡ The Lord Justice replied, saying, "No, my Lords, ye shall have your partes in this bussines alse well as I, and your names shall be set thereto, to continue for all times comming, and beare the burthen thereof with me." The said two Lordes continuing to utter their discontentment because their names were

* This paragraph is taken from Gibsons's MS., being fuller than in Swinton's.

† John Bothwell, Commendator of, and afterwards Lord Holyroodhouse, was one of the Lords of Session; John Preston of Fentonbarns, afterwards Lord President, was also a Lord of Session, and Collector General of the King's Augmentations.

‡ From this to the words "[Sir Archibald]," in line 5th of Cap. x., is from Gibson's MS. In Swinton's it is represented only by the words, "The Justice, notwithstanding, proceids to the calling of the assyze or jurie; *videlicet*."

to be noted with that deed, the Lord Chancellor spake to the Lord Collector, saying, " My Lord, that needeth not."

## CAP. X.

### THE JURIE IS CALLED, THE EXHORTATION MADE TO THEM, AND THEIR PROCEEDINGS.

Notwithstanding all the preceiding reasons, the Lord Justice proceedes, no man making any further answere; and the jurie (the most part whereof, contrarie to the Act of Parliament, had not till that present time bene present at the arraignment, nor heard the reasoning) were called and sworne; namelie, [Sir Archibald] Stirling of Keir; [John] Livingstoun of Dunnipace; [James] Shaw of Sachie; [Thomas] Livingstoun of Pantoun; [Robert] Livingstoun of Westquarter; Gavin Home of Johnsclewghe; [Sir John] Forester of Carden; [Henry] Stewart of Craighall; [Sir George] Home of Broxmouthe; [Sir Patrick] Home of Pollwart; [Sir John] Home of North-Berwick; [Alexander] Home of Rentoun; [George] Home of Deanes; James Gib of Carribber, and Mark Swintoun in Innerkeithen; of whom * there were some knowen to the Lords to be his Majestie's rebells, as, namelie, [Henry] Stewart of Craighall; sum to be oppen enemies to the trueth, and of a vylle and deboshed lyfe, as, namelie, Mark Swintoun; the rest, with these, for the most pairt utterlie ignoraunt

* In Gibson's MS. the reading from this to the end of the paragraph is somewhat different, being as follows: " of whom the Lord Justice reporting verie honestlie, as men zealous in religion, and honest in fame and conversation, desired the ministers to shew if they had any thing to say against any of them; who, without objecting against any, admitted them all, being for the most part altogether unknowne to them; although they were desired by some honest men to object against divers of them; namelie, against Craighall and Marke Swintoun, the first being a rebell, the latter being a professed Papist. Yet because these things were unknown to them, and they had no present proofe thereof, they keept silence, and suffered the Lord Justice to proceed. Notwithstanding, some of the jurie being verie desirous to shift themselves from that bussines, (as diverse others had done before, partly by corrupting the Clerke's officers, partly by hasarding to pay the fine,) did object against themselves, after they had heard the mater laid open by the Lord Advocate, and the speeches uttered by the ministers, as shall be declared afterwards."

of sic matters, and as unacquaint with the Pannell and their proceiding, so alltogether unknowen to the pannell; so that they could object nothing against them, in respect they knew none of them except Dunnypace and Keir. Besyde the most pairt of them, contrair to the law, had bein absent all the tyme of their reassoning, and so ought not to have bein put upon the inquest of a matter quhilk they had never heard nor knowen.

Yet being admitted and sworne, the Advocate declaired to them that the Ministers were pannelled for treasson, in respect of their Declinatour proponed be them against the Counsell, in the matter of their Assemblie, quhairof the Counsell were judges, most properlie, according to the expresse law of the countrey, quhairupon they were accuissed, to wit, the first statute of the Parliament haulden upon the twentie-two day of Maij 1584; and to prove that they had transgressed that said statute, he produced their Declinatour, subscryved with their hands, quhilk they denyed not, as also the decreit of the Secreit Counsell, quhairin they had found themselffes judges in that matter, and the chairge alledged used against them at the Marcat Crosse of Aberdeine, with the extract of their proceidings at Aberdeine, quhairby they confessed the ressait of the Counsell's letter; and therefter alledged that the haill defences quhilk they had used were heard, discussed and repelled be the judges, so that there rested nothing to the Jurie to find bot if they had declyned, quhilk he alleged could not be controverted, in respect of their own hand wrytte, confessed and acknowledged be them in judgment; and therfor protested, seeing the judges had found the dittayes relevant, and their deffences nothing, that if the Jurie sould acquyt the pannell they sould incurr the paines of willfull errour, and so endanger their lyfe, lands and gear; and reprotestit in the contrair.

To this it was answered be the Procurators for the pannell, That the Assyse sould consider * from the begining the ground quhair-

* In Gibson's MS. this address is in the first person. It commences, "Thereafter Mr Thomas Hope, advocate for the Ministers, replied to the Lord Advocat's speeches as followes:—'The jurie should consider,'" &c.

upon the pannell was accuissed, quhilk is ane alledged Declinatour proponed be them against the Secreit Counsell; and confer the Declinatour with the law quhairupon they were accuissed, to try whither if the samen be sic ane Declinatour as may be comprehendit within the bounds thereof, or merite to be called treassonable; for the words of the law makes mention that the caus of the makeing thereof proceids from som contumatious and seditious persons quhilk contemptuouslie declyned the King's Majestie's authoritie, being accuissed of treassonable and seditious speaches uttered be them, swa that the force of this law must stryke upon the contemners of the King's Majestie's authoritie and declyners thereof. Bot so it is, that there can be no contempt nor treasonable proceiding layed to the chairge of the pannell; for quhat they did in their meitting at Aberdein, it was be ane warrand of the Word of God, and be the priviledges of the Kirk, granted thereto be the lawes of the countrey, and be ane speciall appoyntment maid be the King's Majestie, with the advyse of the Kirk, appoynting the said day for the meitting of the Generall Assemblie; and in this there could be no contempt argued. And quhairas it is layed to their charge that they proceeded against the King's Majestie's inhibitione and letters directed against them; for purgeing of that matter, they were ever readie, in presence of the Counsell, to reduce and improve the said chairges as manifestlie false; lykas now they would, in presence of God, and the haill nobillitie and people conveined, tak upon their consciences that there was never any sic chairges used against them. As to the Counsell's letter, it was in effect obeyed; only a tyme was appoynted for the nixt Assemblie, and a continuatione was maid to a certaine day. And that was their behaviour in haulding the Assemblie, without [any] contempt of his Majestie. So they thought that no person fearing God sould take upon their soules and consciences to pronounce them guiltie of treasson, who had ever, in all obedience, behaived themselffes towards his Majestie. And as to the law quhairupon they wer accuissed, the samen could not stryke against them, for diverse reasones declaired to

the judge, quhilk the Assyse ought to consider; bot speciallie in respect of ane posteriour Act of Parliament maid *in anno* 1592, quhairby the Act *in anno* 1584, quhairupon they are accuissed, is expresslie dischairged, that the same sould not be extendit to the Ecclesiasticall censures. And quhair it is meaned be my Lord Advocat that all their defences are allready repelled be the judge, and that the assyse hes nothing adoe bot to find that they have declyned: To this there may be ane clear answer maid, for the Assyse hes to judge according to their conscience, whither this Declinatour proponed be them be sic a Declinatour as may fall within the compas of the law; and speciallie the assyse hes to considder that the Declinatour quhairupon they are accuissed is called in the dittay "ane treasonablle Declinatour;" quhilk is no wayes provene, for there is nothing showne nor can be showne to prove this quallitie of their Declinatour—that the same is treassonable. And if the samen be not found to be treassonable, the dittay cannot be provene; for quhairsoever there is a quallitie annexed to any fact, against the quhilk there is a speciall paine sett doun, that quallitie must be proven or the pain cannot be imponed, as is manifest in the act against thift in landed men. And therfor the Assyse, as they will answer to God, sould judge and decyde in the said matter.

To this it was answered, be the Lord Advocat, That it is trew quhair the quallitie consists *in facto*, the samen ought to be proven, bot not quhair the samen consists *in jure*. And it is trew that this quallitie *treassonablle* is induced be the law, &c.

It was subjoyned for the Pannell, That the quallitie *treassonable* consists *in facto*; viz., to prove ane contempt against his Majestie; and suppose the law inflicts the paine of treasson, yet it must be upon ane contemptuous and treassonnable Declinatour; and it followes, not that all that quhilk is punished be paine of treasson is treassonnable.

* The reasoning being ended, and the Jurie being readie to be

* What follows from this to the paragraph in the next sheet, ending with these words, "and the morrow after to be conveyed to their ward in Blacknes," is mostly printed from Gibson's MS., as being much fuller than the corresponding part in Swinton's.

put apart and inclosed, the Ministers desired to be heard before their removing; which was granted by the Lord Justice, desiring them earnestly to be short, seeing the day was spent. So in the name of the rest of the ministers, Mr John Forbes spoke first, in substance as followes:—

"Ye Knights and Gentlemen that ar chosen on our jurie have need to take heed to yourselves what ye doe in this matter; therefore yee ought first to understand and consider the cause why this day we ar thus accused, lest, otherwayes, through your ignorance, ye bring our innocent blood upon your heades, which assuredlie the Lord will require at your hands, if ye condemne us in this cause. The mater is such as we ar not ashamed thereof, and for the which we ar contented not only to suffer reproach and imprisonment, but (if so it shall please the Lord) we ar ready by his grace, to seale up the truth therof with the blood that is nearest to our hearts. I know that we are by many that understand not the truth of our proceidings [thought] to be wilfull in refusing to acknowledge an offence against the King for keeping our Assemblie at Aberdene, in regard that it is alledged, [first,] That we were charged and warned by open proclamation the day preceeding, to desist from keeping of it, upon the pain of rebellion; which charge is given in to the Councell, as executed against us by the Laird of Laurestoun, and we thereupon outlawed, being neither cited nor heard. Secondly, The letter sent from the Councell is alledged against us, to prove our disobedience and contempt of his Highnes authoritie. And, lastly, the letter sent by the Commissioners of the Generall Assemblie to our Presbyteries; wherein it was signified, that it was the King's will and pleasure that our Assemblie should be continued. Concerning the alledged charge, upon paine of outlawing, we here protest, in the sight and presence of the eternall God, who knowes the secrets of all hearts, that as we shall answere to him in that great day, we never heard nor understood of any such charge, neither did any notice or knowledge thereof come to our eares directlie or indirectlie by Laurestoun, his officer or witnes, though still present with us, nor yet

by any other living creature. Yea, we ar persuaded in our conscience, and so we hope that your Lordships of his Majestie's Councell ar also, that it is a manifest falshood and untruth; neither will Laurestoun, the officer or witnes, stand by it if they were strictly examined. Moreover, we oftymes, by our humble petition to your Honours, have offered to reduce and improve the same, but as yet could never be heard, all our petitions being continually rejected, and still we darre upon the hasard and perill of our life undertake the same.

"Furthermore, to testifie our reverend obedience to his Majestie, the same letters being executed against us personally, the 2d of Julij, when we were assembled, we yeelded humble obedience to the charge without delay, and have sufficient proofes to witnes the same, subscribed by famous Notaries.

"Touching the Letter sent from the Councell, first it was directed on the backe thus: 'To the Brethren of the Ministers convened in the Assemblie at Aberdeen;' and so, by the verie direction, it behoved us to be Assembled, before it could either be receaved, redde, or answered. Secondlie, it requyred two things; first, that we should dissolve our present meeting; secondlie, that we should appoint no time nor place for another Assemblie. In the first we fully satisfied the Laird of Laurestoun, by leaving off the treating of any affaires of our Assemblie at that time. The second was such as neither law, reason, nor conscience could suffer us to obey, in doing whereof we could not have bene answerable to our Presbyteries and Synodes that sent us; seeing thereby we should have suffered the diet of our Assemblie to be extinguished, and so by our deed had deprived the Church of that lawfull established order and custome of appointing the diet, the time and place, of our next meeting, before our breaking up, according to the ordinance both of the Church and of the lawes of the land; so that, in that point, a necessity was layed upon us, since otherwayes the Church could not have had a Generall Assemblie convened againe, according to the ordinarie custom and manner established and practised hitherto, since the reformation of religion, and so not without evident danger.

Neverthelesse we did not appoint any new diet before we had first *simpliciter* offered it to the Laird of Laurestoun to be appointed by him, long or short, as he pleased; which he obstinatlie refused. But put the case that we disobeyed that letter, shall the not obeying of the Councell's privat letter be accounted a matter of rebellion, and contempt of the King's authoritie? Looke yee to it, my Lords, if yee will suffer such a preparative to take place; as for us, we can neither esteeme so of it nor by our silence approve it.

"Now, touching the other letter of the Commissioners, as it was in itselfe unlawfull, requiring a prorogation, without appointing of either tyme or place, yet we were nowayes tied contraire to both the lawes of the Church and Kingdome. So although they had appointed both time and place, yet we were nowayes tied by any law or ordinance to obey them in that point; because, in the Generall Assemblie keept at Holyrudhouse, by a plaine law of the Church, made in his Majestie's presence, and with his consent, all power of changing or delaying the diets of the Generall Assemblies was taken from them, and the diets of the Assemblies ordained for all time comming to be both appointed and keeped according to the order set downe in the Act of Parliament. This law, agriable to that law of his Majestie's Parliament, was a more authenticke signification to us in that mater of his Majestie's will, contrarie to the naked assertion of that privat letter, then the said assertion contrarie to that law made by the King's consent. But although such a mater might be counted disobedience to the King, we ought neither to be accused nor convicted of disobedience to his Majestie; but seeing their letters were directed to our Presbyteries, and not particularly to us, they are bound to answere to it, and not we, who went not but through their direction and commandment, whom it behoved us to obey. And as for our meeting in Aberdene at that time, we are able to produce their letter subscribed by the Laird of Laurestoun and Mr Patrick Galloway, appointing that same day and place for that meeting to us; so that there is no cause whereby we can be justly taxed of disobedience for that meeting. But the truth

is, I sie we must beare the punishment of the iniquitie of the Commissioners of the Generall Assemblie, who through their naughtie devises and crooked courses, in seeking to subvert the libertie and lawfull jurisdictions of the kingdome and Church of Christ, and to bring in againe the antichristian tyrannie of the Romish Hierarchie, by publike profession, subscription and oath hitherto abjured by themselves, as contrarie to the Word of God and practise of the apostles, have hereby brought all this trouble unto the Church of God, and are the authors and procurers of whatsoever vexation and trouble we have sustained; upon whom we may justly lay the blame of all that hitherto we have or hereafter shall suffer in this cause. So we referre to your judgment, what a strange thing this is, that We, who are taken in no iniquitie, whose doing can be condemned by no law, and who are found to keepe ourselves within the compasse of our calling, exercising the ordinarie points thereof, according to God's Word, the ordinances of the Church and lawes of the land, according to the ordinarie and accustomed practise, observed since the beginning of the Reformation, that We, I say, in this case, should be esteemed and reputed to be the cause of all these evils; whereas, in verie truth, it is they who, for the maintaining of their iniquitie, still incensing and stirring up the King against us, and, through their policie, intending to bring him to be a furtherer of their purpose, have bene and still are the fountaine out of the which do flow all the troubles.

"And now to the end that yee that are of the Jurie may know how neare this mater toucheth you alse well as us, I desire you to take heed to the Confession of Faith, which each one of you hath subscribed, and to the Oath, which therein each one of you hath made, by the great name of your God, to maintaine the same Discipline of this Church, for the which we ar accused. The words ar these, which I reade to you out of this printed Confession for your better information: "To the which (meaning the Reformed Church) we joyne ourselves willinglie in doctrine, faith, religion, discipline, and use of holy Sacraments, as livelie members of the same in Christ our Head, promising and

swearing, by the great name of the Lord our God, that we shall continew in the doctrine and discipline of this Church, and shall defend the same, according to our vocation and power, all the dayes of our life, upon the paine contained in the law, and danger both of body and soule in the day of God's fearfull judgement." Consider now, I pray you, these wordes, sworne and subscribed both by you and us; let this first teach you what a necessitie is first layed on us, not only to practise, but, also, with the verie hasard of our lives, to stand to the maintenence and defence of this Discipline, for the which we ar this day accused. And, nixt, I wish you to take heed in what estate you stand in judging of us, if this day yee condemne us for defending that which yee yourselves, upon so great paine, ar obliged to defend, for the profession and maintenance whereof both yee and we ar so well warranded by the Word of God and lawes of the land; that as for us, our lives in this case ar not deare to us, although yee should condemne us, since, in our Appeale, which in this mater we have used, we have done nothing in the smallest iote which may derogate to the King's royal prerogative, or which is contrarie to the lawes of the kingdome and practise of the Church before in his Majestie's owne presence; having alwayes submitted ourselves in all things civill to his Majestie's Councell, as our petition given in before our Appeale to the Councell evidentlie witnesseth, which here I give you to reade, together with our present declaration made of our mind in that mater, to remove all scruple that might arise in the hearts of any upon the wordes of our Appeale, which hitherto have [been] interpreted amisse by such as have sought, by all meanes, to involve us in some guiltines, to make the proceedings against us to have some appearance of justice and equitie, so [as] to bring us and our cause in hatred and detestation. And, therefore, I charge you, in the sight of God, that yee judge of us this day as yee would wish him to judge of you in that great day, when yee shall render an account to Him of this your Oath."*

* *This speech of Forbes, as given in Gibson's MS., contains some passages not in Swinton's MS., while the latter contains some passages which are not in*

To this Speech nothing was replied by any persone; only the Lord Advocat layed hold on one point, wherein it was alledged, that by humble petition to the Councell, they had offered to reduce and disprove the execution given in against them by Laurestoun, and that they were never heard nor admitted; against which the Lord Advocat affirmed, that they never heard any such thing, and if they had been purposed to do so, they should have made sute to him in that mater, as a thing belonging to his office.

To whom the Ministers answered, That he could not be ignorant, neither yet the rest of the Councell of their petition; first, in respect of the bill given in by them to the Councell for that effect, he being present there that day when Mr John Forbes was first committed to the Castle of Edenburgh. Secondlie, Because that same point was set downe as one of their reasons, in the answere given in by them by way of declaratione to the lybell persewed against them the 24th of October; all which answeres, and that especially among the rest, were openly redde, at that same time, before the whole Councell, in his Lordship's hearing; unto the which, neither then nor before, nor yet thereafter, could they ever receive any answere from the Councell, or from his Honour. Touching the order and forme keept in making sute to his Lordship in such matters they professe their ignorance. Howsoever it be, they had petitioned to the Councell, where he was present, and one of the number.

After this, the accused Ministers being demanded by the Lord Justice if they had any more to say, Mr John Welsh addressed his speech to the Jurie, in maner following:—"As we are unknown to you so are yee to us; for there are manie of you whose faces we never saw before. Neverthelesse we are your brethren in Christ, professing the same faith, in communion of the same Gospell, and although our persones are not to be regarded much, yet, notwith-

Gibson's. Swinton's copy of it will be given in the notice of Forbes' Life prefixed to this volume, to which the Reader, who may wish to compare the two versions of it together, is referred.

standing, we are the servants and ambassadours of the great God, howsoever men esteeme of us; and that which shall be done to us he shall account it as done to himselfe, and therefore we say to you, as Jeremie said to the Princes, when he was standing before them, accused by the Priests and Prophets as we are this day, "Behold we are in your handes this day, do with us as it shall please our God to direct you: but know for a certaintie, that if ye condemne us, ye shall bring innocent blood upon yourselves and the whole land: for of a truth the Lord did send us, and there is no unrighteousnes in our hands." As for the mater wherof we are to be accused, and yee are to be our judges this day, we are fully resolved of it that it is the undoubted truth of God, and belongs essentially to Christ's croune and kingdome; and, therefore, we have come forth this morning with greater joy and gladnes to this tribunall then ever we did when we went to eate and drink, being hungry and thirstie, and through the Lordes grace are resolved to seale it up with the testimonie of our blood, if it shall please him to call us thereto. And this our resolution is neither yesterday nor the day; for these twenty-four weekes imprisonment of us might have given us leasure to consider the weight and heavines thereof. So that howsoever many men think it to be but an indifferent mater, yet it is not so in our consciences, but contrariwise a maine and essentiall point of Christ's kingdome; it being one of his royall prerogatives to be supreme judge, in all Ecclesiasticall and spirituall affaires, which are matters belonging to his kingdome, the outward administration whereof he exerciseth in and by his Church only; so that as we have our offices and callings only of him in his Church and by the ordinance thereof, so should we be judged in the duties of our Ecclesiasticall offices onlie by him, and under him by the Ecclesiasticall Courts of his Church. And like as Councells, Parliaments, and all Civill courts belong to the Royall croune of a worldlie kingdome, so do all the Ecclesiasticall Assemblies and Conventions of the Church (whereof our Generall Assemblie is one of the cheefest,) belong to Christ's spirituall kingdome; and, therefore, the judging of the lawfulnes or

unlawfulnes of them belongs unto Christ by his Church. Now, therefore, since that posterior Act of Parliament 1592, which derogates to the former of the yeare 1584, speciall exception being made both of heades of religion and essentiall Ecclesiasticall censures of the Church warranded by the Word of God, under which this mater whereof we ar accussed is easilie comprehended,—the souvereigntie of Christ in judging all the affaires of his spirituall kingdome, as an essentiall part of his royall dignitie, being an especiall head of religion, and the lawfulnes or unlawfulnes of our Assemblies, whereof our Generall Assemblies ar the cheef, warranded by the Word, and having bene used and practised long before there was a civill law made for the approbation thereof, being an essential Ecclesiastial censure; it is most evident, that we cannot justlie be accounted guiltie of treason for declining from the Councel's judgement in that point, it being so clearlie excepted in this latter Act, which derogates to the former. And, moreover, this is no new thing which we have done, neither ar we only of this mind: for an Appeale was given in before this to the Councell by the Church, subscribed by almost 400 ministers, and among them some Bishopes and Commissioners, who ar the fountane of all our troubles, and of all the evils of God's Church within this land, upon whom here we lay the cheefe blame of all our trouble that hath or shall come to us or the Church of God within this land; even they, we say, have subscribed that Appeale, and their hand-writtes are yet still extant, to testifie their approbation of us in doing no other thing, by our appealling from the Councell, then that which hath bene done by themselves before. But there is one thing which cheeflie I would have you to consider, namelie, that which our Brother spake to you before, touching that solemne Oath whereby yee are all bound, upon the paine of eternall damnation, to maintaine the present Discipline of this Church. The wordes that containe your oath ye have heard redde to you before. This not only yee that ar on our Jurie, but the King himselfe, and yee my Lords of the Privie Councell, and all the Estates of the land have sworne and subscribed. Seeing, therefore, that our

Generall Assemblies, and judging of the lawfulnes and unlawfulnes of them, is a part of that Discipline which yee all and we ar sworne to defend upon the paine of endlesse damnation; we now, therefore, testifie unto you, in the sight of God and of his elected angels, that yee ought to beware that yee breake not that solemne Oath, and so bring upon yourselves both that guiltines and the guiltines of our innocent blood."

This speech being ended, the hearts of the Jurie and all that were present being much moved, the Lord Advocat spake to the Jurie againe, saying, that it was needles to make answere to all those things that were spoken, neither ought they to be moved with such wind; and so beganne to discourse of the King's wisdom, equitie, justice, clemencie and long patience at all times, in his proceedings with the Church, and especially with these that were accused, in his willingnes to have pardoned their offence, upon their humble petition and submission; and, thereafter, praised much the Councel's lenitie and courtesie towards them, in waiting so long for the space of twelve or threttene weeks for their better resolution, and now, even at the last point, in offering to them this libertie to passe from their Appeale; and hereon did greatlie aggravate their disobedience to the King,—willing the Jurie therefore to take heed, not to their speeches, but to their obedience and dutie to his Highnes in this mater, which now they had in hand, wherein they had no more to do but to see if the Ministers had appealed or not, seeing the Lord Justice and the Lords his assessors had already refuted all their defences, and found them to have incurred the paine of treason, if the Jurie should try and find that they had appealled, which they could not but find, in regard of their subscribed Appeale, which there he produced againe, protesting againe that he would call them in question for wilfull errour, if they did not convict them, whereby their lives, lands, and goods would all fall in the King's handes.

To this discourse it was answered by Mr John Forbes for the Pannell:—"We do heartilie praise the Lord for his manifold blessings bestowed on him, neither can we blame his Majestie as others

for the wrong we have suffered. And how innocent we ar of these calumnies that ar layed against us, touching the contempt of his authority and disobeying of his commandment, we believe that it is manifest to all men by our former speeches. The lenitie shewed by your Lordships of the Councell to us may easily be seene and considered by our twenty-four weeks imprisonment without any just cause, being the King's free subjects, and the servants of the living God; through the continuall rejecting of all our humble petitions, and refusing to do so much as looke on our bills; and through our closse keeping, oftymes so strictly, that we were excluded from all fellowship and societie, one of another, amongst ourselves, and of all other living creatures, by your Honours speciall direction concerning us, that so we might be left utterly destitute of comfort: after which maner, none of the most hainous malefactors within this land have ever bene handled before. Yet we do rejoice herein, and ar ready, by the assistance of God, to endure the uttermost extremitie that can be used against us, hoping in God, that in this cause for the truth, your Lordships shall sooner be tyred with afflicting then we with suffering. But because [by] your not weighing gravelie enough the words of the Oath and solemne Covenant, [you] go about by fair speeches and coloured pretences to draw on this guiltines upon the jurie, whereof we have given them warning; that your Honours may know, that both yee should be free from any such entisements, under whatsoever colour, contrarie to the said Covenant, and they from being intised in so weightie a mater, which standes then upon no lesse then salvation and condemnation both of body and soule, upon any pretence to violate their Oath, I will read to your Lordships and them that part of the said Confession and Covenant which cleareth the dutie of all that have subscribed it in such maters: "And, seeing that many ar stirred up by Satan and that Roman Antichrist, to promeisse, sweare, subscryve, and for a tyme use the holy sacraments in the Kirk deceitfullie against their own conscience, mynding heirby, first, under the externall cloke of religion to corrupt and subvert secretly God's trew religion within

the Kirk, and efterward, quhen tyme may serve, to become open enemies and persecutours of the same, under vaine hope of Popish dispensation, devysed against the Word of God, to his greatter confusion and their double condemnation in the day of the Lord Jesus: We, therfore, willing to tak away all suspitione of hypocrisie, and of sic double dealling with God and his Kirk, protest, and call the Searcher of all hearts for witness, that our mynds and hearts doe willinglie agrie to this our confession, promeiss, oath and subscriptione; so that we are not moved for any worldly respects, bot are perswadit only in our conscience, through the knowledge and love of God's trew religione imprinted in our hearts be the Holy Spirit, as we sall answer to him in that day quhen the secreit of all hearts sall be disclossed. And, forsameikle as the outward profession of religion and subscription therof is not sufficient, except that our conversation and behaviour be agreeable therto: Therfor we and every ane of us promeisses faithfullie to behaive ourselffes as trew professours of this gospell in every respect, so that, neither in public nor in private, directlie nor indirectlie, we sall impugne the veritie thereof be word or wrytte, bot sall, be all meanes, maintaine and defend the samen, both in reassoning and utherwayes, so far as God will give us grace."—These words I exhort your Honours, and you Knights and Gentlemen of the Jurie, to weigh and consider that yee *jest not with God in* a mater of so great moment."

Thereafter Mr John Forbes directed his speech to the Earl of Dunbarre as followes:—"My Lord, Since you ar in favour with the King, and I am persuaded your Lordship loves his peace and welfaire; being bound by many obligations to do the same, as ye also my Lords that ar here, there is an historie which I remember, and would intreat your Honours to relate it to his Majestie, seeing that I know not if ever I shall have the occasion hereafter to speake to him myselfe. Therefore, as my last dutie, I beseech your Honours to give his Highnes this warning, that he may eshew the inconvenience. The mater is this: *In the 9th of Joshua, when the people of Israel had entered into the land of Canaan, the*

Gibeonites, which were of the people appointed by God to be destroyed, wrought craftily, putting old sakes upon their asses, old bottles rent and bound up, with old clowted shoes on their feet, and old rayment on them, with dried and moldie bread; came to Joshua, and faining themselves to have come from a verie farre countrey, persuaded Joshua and the Princes to make a covenant of peace with them, not consulting with the mouth of the Lord. Thrie dayes after, the people, understanding that they dwelt in the land, would have destroyed them; but the Princes of the Congregation hindered them, affirming that they might not touch them, because they had sworne to them by the Lord God of Israel. Many yeares thereafter Saul sought to slay them, for his zeale towards the children of Israel and Judah; for the which cause, after the death of Saul, and renting of the kingdome from him and his posteritie, the Lord sent three yeares famine in the land in the dayes of David; who asking counsell of the Lord, He answered him that it was for Saul and his bloody house, because he slew the Gibeonities. Therefore, at the request of the said people, David delivered seven of the house of Saul into their hands, who were hanged up before the sunne, and so the Lord was pacified, and his judgment ceased. Now, my Lord, I beseech you in the name of God to declare this to his Majestie, that his throne and posteritie may be keeped blameles in this point, and so be free from the wrath which otherwayes must needes follow; for if such a fearefull judgement fell upon Saul and upon his house, after that he was slaine and the kingdome taken from his posteritie, and upon the whole kingdome of Israel, for breaking the oath and covenant made by Joshua and the people so many hundreth yeares before, with such as they should have had no peace [with,] being of the people appointed by God for utter destruction, and likewise procured and purchased through fraud and deceit by the Gibeonites, assuredlie the heavie wrath and judgement of God shall light upon his Highnes, his posteritie, upon you all, my Lords, your houses and posteritie, and upon the whole land and kingdome, if the King be induced, (as the Lord forbidde,) or your Lordships

and this land consent, or suffer that solemne Oath and Covenant to be broken, which is made with God himselfe, professed, subscribed and sworne to by his Majestie himselfe and your Honours, everie one that is here this day, and the whole body of this land, and that by the great name of the Lord your God, upon no less paine then eternal damnation of body and soule, in the day of his fearfull judgement. And therefore, I exhort you, My Lord, to shew his Majestie this from me, as my last will, as from one that wisheth him well, and good and peace to him in the Lord. And I pray you that ar here, to take heed to yourselves this day that yee do nothing against the truth of God, and this discipline of the Church, which, by the said Covenant yee obliged yourselves to defend, according to your power, all the dayes of your lives."

Their speaches endit, Mr Robert Durie, in name of the rest, and in his own name, spake to the Lord Justice and whole Assemblie, that seeing there was sufficient testimonie given them if they lyked to considder it, they would add no more; bot they all approved and ratified that quhilk was spoken as all their mynds and meanings.

We cannot heir pass in silence the strange and diverse effects that thir speeches did work in the heads of all the beholders; sum witnessing their detestation of so peart and schameless iniquitie in the Counsell, Justice and Commissioners, be the indignation of their countenance; uthers manifesting their pittie and just commiseration of the most unjust sufferings of the pannell by their teares; bot most of all, the Justice and speciall Counsellors uttering the astonishment of their heart and horrour of their conscience by the confusion of their faces; and last of all, the Jurie, allbeit diverse of them were brought there of purpose to convict the Pannell, notwithstanding of any defence that sould be maid in the contraire, yet did they declair how farr their hearts did scarr to convict so monstrous and manifest ane wickednes. *

First, Home of Polwart besought the Lord Justice and his As-

* This paragraph is taken from Swinton's MS., in which it is deleted by cross lines. It is not contained in Gibson's MS.

sessors, that seeing that mater committed to them was such as the like thereof had never bene practised in their dayes, and he himself an ignorant and unskilfull man in such a purpose, and an aged man past threescore years, that he might be spared, and another more fit placed in his roome. To whom it was answered, He behoved to do as he could, for they would not change him. Nixt unto him spake Home of North Berwick. Persaiving by the Justice's answer to the former that no immunitie could be expected from the inquest, [he] desired the Justice to defyn the matter committed to their tryall, that they might clearly understand it; seeing the Advocat alledged, that they had no more to cognosce but if the pannell *had declyned*, quhilk was a matter not denyed be the pannell, albeit the dittay was otherwayes conceaved that they *had treasonablie declyned*. The Lord Justice answered, Ye know what ye have to do and try; I need not tell you; the Clerk will informe you. Last of all spake Levingstone of Dunipace, desiring, in regard of the newness of the mater, that it might please their Honours to delay till nixt day, that they might have leasure to be the more ripelie advised in it. The Lord Justice answered, That it could not be delayed; wherefore they behoved to procede. Againe Dunipace desired earnestlie, since the mater was so weighty, and they all so unskilfull of it, that they might have the advise of some wiser than themselves, and skilfull in the lawes, cheeflie Mr Thomas Craig and Mr William Oliphant; and that to this effect they should be sent for, to be present with them. The Lord Justice answered, It is against the lawes that any save the Jurie should be present; and therefore yee must do according to your owne judgment in this matter, following your conscience therein, as yee will be answerable to God and the King; and so commanded them to remove; Dunipace answering, That seeing it was so, he would (God willing) for himself do according to conscience whatsoever might proceed thereof.

Thus the Jurie went out from the judgment-seat to another roome, where they were inclossed apairt be themselffes; of whom there were diverse that had beine particularlie dealt with be the

Lords, to convict the Pannell for his Majestie's pleassour; of quhilk number [Henry] Stewart of Craighall was, who, notwithstanding that he was purpossed to convict, yet to the intent he might have the greatter credit with the rest of the Jurie, and be the lesse suspect be the pannell, had both oppenlie vowed that he sould cleanse if he were put on that inquest, and also privatlie had promeissed to sum other barrones on the assysse to doe the same. Quhairupon the whole number, allbeit of diverse dispositions, did constitute him Foreman of the jurie, or, as they call him, Chancellour of the Assysse. The matter being proponed and read by the Clerk, the whole Jurie inclyned to absolve the pannell, in respect of the clear evidence of their innocencie. Quhairupon Craighall, being obledged secreitlie to convict, did stay the votting, and, leaving the rest, came out to the Lord Justice and the Lords, (being accompanied with the Lord Justice-Clerk, who, contrair to the law, Parliament, xi., act 91, * remained with the Assysse,) and signified to them quhat way the matter was lyke to goe. Quhairupon the Lords did direct the Justice-Depute, with Craighall and the Justice-Clerk, to the pannell, to desyre them to lift their Declinatour that yet the matter might cease from farder proces, and the Assysse be raised without any conclusion or sentence.

The Ministers being still of their first resolution answered, That upon the conditions above specified, in their former answere to the same offer, they were contented to take it backe; otherwayes they could not, whatsoever might befall them. Yet to persuade them, the Lord Justice-Clerk and Craighall propouned the dangerous issue of the Jurie, as though they could not but condemne them. The Ministers therein desired them and the rest to do nowayes for any respect of them but as they would answere to God in the day of judgement, according to equitie and good conscience in that mater. Thus they returned againe to the jurie. The Lords, upon this information, fearing that the Jurie would absolve the Ministers, besides many terrors casten in to the jurie if they should do so, they assured them withall, that the condemning of them should tend to no pre-

* *July the 29th, 1587.*

judice either of the Church, of their persones or estate; but was onlie sought as the fittest meane, by pacifying the King, to prepare the way to peace; which things were not only privatlie spoken to divers apart, but also were declared to the whole Jurie together, by such of the Lordes as went in to them. After this, the mater going to voting; notwithstanding that Dunipace, in great wisdome, courage, and freedom of speech, had both declared the equitie of the cause and innocencie of the persones, and had layed before the jurie the terrible judgement of God abiding them, [if they should be pleassouring of any fleshe, or, respect of this world, so manifestlie against reassone and good conscience, convict so innocent persons,*] yet the most part, moved partlie by the terrors, and partlie by the foresaid promises, condemned them; they being withall the greatest part of them almost profane Atheists, and men without God, or weake minded, and too simple and credulous. They were Home of Polwart; Home of North Berwick; Home of Broxmouth; Home of Deanes; Home of Rentoun; James Gibb of Caribber; Mark Swintoun; Froster† of Carden; and Stewart of Craighall,‡ foreman. The others, being six, absolved them; to wit, Livingstoun of Dunnypace; Sterling of Keir; Shaw of Sachie; Livingstoun of Pantoun; Livingstoun of Westquarter; and Gawine Home of Johnscleugh. Having concluded, they returned before the Lord Justice, where the Clerk-Deputy, being much perplexed with the proceeding of the Jurie, and not able to refraine from teares, abhorring to pronounce their conclusion and verdict, willed Craighall, the Foreman, to pronounce it himselfe; who being inquired of the Lord Justice, answered, That the Jurie had found the accused Ministers guiltie of treasonable appealing. Whereunto the Clerk subjoined that the greater part of the Jurie had found it so.

Hereupon the Lord Justice, after a short and secrete conference with the Lord Chanceller, the Earle of Dumbarre, and some other Lordes, delayed the giving forth of the sentence of condemnation

* From Swinton's MS.

† Froster, for Forrester of Carden.

‡ Craighall in the MS., but properly Craigiehall.

till the King's mind were further knowne, and ordained the Ministers to be keept that night be the Earle of Linlithgow, and the morow after to be conveyed to their ward in Blaknes.*

Who had beine present might have seine the strange amazement and astonishment of all men at so fearfull and detestable ane iniquity, no man uttering ane signe of joy, no not of the Lords, except these four allanerlie, Dumfermling, Chauncellour; Dumbar, Thesaurer; Ballmirrinoch, President; Skene, Controller; and Sir Thomas Hamiltoun, Advocat; the rest bewraying the dollour of their hearts be their countenance. Bot, above all, the Clerk-Depute, who was with the Assysse, at whose unjust and godless proceidings being sore greived, he could not abstaine from mourning oppenlie befor the whole assemblie.†

Yet was the behaviour of the pannell no les admirable; who being nothing dismayed at that sentence, bot showing great cheerfullnes in their countenances, they willed the Justice not to spair the execution, more then the conviction, declairing that he would gain nothing by delay, seeing that they hoped in God that no drifting of tyme sould cause them to alter; bot as they wer there readie most willinglie to lay down their lyfes for Jesus saike, and the libertie of his kingdome, for the quhilk they exceidingly rejoyced that he had counted them worthie to suffer and to be condemned as malefactors, so by his grace they sould heirefter be found no less readie-myndit to confirme that testimonie quhilk they had given by their blood. [And so this action ended after ten of the clocke at night, or thereby, and the Ministers were convoyed by the guard to the Palace, and there were attended by some of them that night.‡]

* From the place marked at page 479 to the conclusion of this paragraph is chiefly from Gibson's MS.

† This paragraph is deleted in Swinton's MS. by cross lines, but in Gibson's it is given in an abridged form, without any marks of deletion, the names of the persons mentioned being omitted.

‡ From Gibson's MS.

## CAP. XI.

THE THINGS THAT FOLLOWED UPON THIS PROCESS OF CONVICTION, AND OF THE PUBLISHING OF THE CALLUMNIOUS BOOK OF "DECLARATION" SO OFTEN MENTIONED BEFORE, TOGETHER WITH SOME GRIEFES OF THE MINISTERS OF LOUTHIAN AND TEVIDALE, &C.

Thus endit that action of conviction about nyne hours* at night, that justlie, both in respect of the matter, manner, and tyme, it might be called a work of darkness; quhairin so far were the enemies of the trueth from prevailling, that not only they wer frustrat of their expected hope of yeilding in the Ministers or the pannell, bot involved themselffes in the hatred and detestation of all men, who then began to smell out their malice against the trueth, and unjust proceidings against the Ministrie, and did abhore their impudent unrighteousnes in judgment, in causeing willfullie condemne the innocent servands of God as traittours to their Prince, whom they in all reverence did honour, love, and humblie acknowledge their Soveraigne and Lord in God, and under him in all things concerning this present lyfe, and authorised of God to be keiper of both the tables of his law, and avenger of all contempt or disobedience against the same, even in their persons that wer the messingers of God's eternal trueth. What change this wrought in men's mynds it did suddainlie appear, both in Counsellours, people, and pastours.

The feur special enemies of the Kirk, Chauncellour, President, Controller, and Advocat, haveing secreitlie concludit to transport Mr John Forbes and Mr John Welshe, as the men whom they both most feared and hated, to Huntingtour, under the keiping of the Controller; they thought good first to propone it to the Counsell. Quhilk being assembled upon the morne, and hearing that matter proponed, one of the Lords answered, "That there was rigour aneughe already used without any cause, and

* Gibson's MS. has "about ten of the clock."

therefor it wer good to use no more." Quhairat the Chauncellour answering, " It was his Majestie's will, and therfor who durst oppone himselff;" the noblemen did ryse and depairt. Quhairupon the Counsell dissolved and that matter deserted.

Thus * the effects of the former proceiding were these: First,

* From this to the close of the paragraph at p. 508, commencing with " The ministers, after mutual communication of their mindes," &c., is printed from Gibson's MS. This part of the history in Swinton's MS. is given in an abridged form, but as it contains some additional facts, it has been thought proper to insert it as a foot note. It is as follows :—

" The rest of the Ministrie, who befor, by misreport and sinistruous information of their brethrein's proceidings maid be Counsellours and Commissioners, mislyked their doeings, finding the trueth discovered, wer compelled in conscience, to justifie them and their actions, and to bear witnes of their innocencie, not only privatlie to themselffes by giveing them (allbeit now convict as traitours) the right hand of fellowship, in that action, and their sufferings for it, bot also publictlie in pulpits, by their testimonie to the people of their breithrein's honestie, innocencie, and fidelitie in the cause of Christ, and of the wrong done to them in all that they had suffered. Quhairupon the Counsell persaiving themselffes greatlie hatted for that quhilk they had done, allbeit his Majestie, upon the report of their proceidings sent be themselffes, had willed them to proceid with the rest of the Ministers in waird, in putting them to the lyke tryell, and convicting them as they had done them in Blaknes, and had also sent his mynd anent the doome to be execute against these who wer alreadie convict ; yet did the Counsell conceall the doome, and send back again to his Majestie, signifieing the trouble that apparentlie would aryse if any farder severitie sould be used against the persons convict, and difficultie that would be in procuiring the conviction of the rest, both in respect of the great exclamation of the pastours and miscontentment of the people for that quhilk was allreadie done ; and, therefor, fearing themselffes as most justlie hatted, for preventing their own perrell, they did desyre his Majestie to shew some favour to these who wer convict,—quhilk favour was esteimed to be that they might be banished and not execute to death ;—and desyred his Majestie to delay the tryall of the rest, lest the advantage gotten in the conviction past, sould be lost againe in putting the rest to ane Assysse, seeing they assuredlie expected that they would be cleanged.

" Quhairunto his Majestie returned answer, That he could show no favour to the Ministers convict, except they did humblie submitt themselffes to his Majestie, confesse their offence, and craive him pardone ; yet would he be content to delay the pronounceing of the doome against them till their brethrein sould also be convict, whose tryall lykwayes he was willing sould be continewed till he had spoken with some of themselffes whom he willed to repair towards him. These wer the Earle of Dumbar, the Controller and Advocat ; in the meantyme commanding them to put silence to the pulpits in that matter be ane proclamation, under all heighest paine, for staying any trouble or commotion to aryse.

" The Earle of Dumbar, considering the great disgrace and mislykeing quhilk that action against the Ministers hes procuired to him among the people, and persaiveing his friends, who for his pleasour had committed so great iniquitie, to be abhorred, and himself abhorred be them for bringing them to such ane ungracious and godless earrand, resolved to be avenged on the Chauncellor and President, (by whose secreit

The cause why those men suffered being before hid from many, was now clearlie discovered to all men; Secondlie, Such as by sinistrous report and information misliked their proceidings, were forced in their consciences to justifie their doings and approve their innocencie; so that many of their brethren, who before were either indifferent or altogether cold in that mater, were moved at the sight and hearing of that day's processe to give them the right hand of fellowship in that cause, professing themselves to be ready to suffer therein with them; whereof publick evidence and testimonie was given by many publicklie in pulpits, to the glory of God and great joy of the people, and for their care and pains taken for the releefe of the brethren imprisoned in Blaknes; so that the Presbyterie of Linlithgow was moved to direct a commission to Mr Robert Cornall [Cornwall] to the Presbyterie of Edinburgh, partlie to regrate the manifest iniquitie done to their brethren, and partlie to desire their advyse and assistance in procuring freedome to their unjustlie afflicted brethren, but had no answer.

About this time, the King sent home five Articles to be propounded to all the Synods of Scotland, by such Commissioners as he had appoynted to that effect, and directed Mr Patrick Galloway, in absence of his Commissioner, Laurestoun, to desire all the Synods to convene together in the month of February; which he did, suppressing in his letters all mention of the said articles, and alledging the said meeting to be appointed only for advysing on such things as were fit to be propounded touching the Church in the Parliament. The articles were these:—

convoy his Majestie was moved to send him in that bussines, and so be compelled to involve himselff in that guiltiness and disgrace,) and for recoverie of the Kirk and Countreye's favour, did conclude to labour at his Majestie's hands for favour to the Ministers convict; and to this effect travelled with the Ministers of Edinbroughe, and others in other pairts, to forbear all publict speaches against that laite proceiding at Linlithgow, promeissing to settle that matter without prejudice to the Kirk or the persons of their brethrein, whom he willed Mr James Melvine to perswade for his Majestie's satisfaction to accept his pardone. All refused to keep silence, yet promeissed to be spaireing in their speach, till they sould sie the effect of his travells. Mr James Melvine refuissed to travell in the other, being resolved of their mynd that they would rather suffer quhatsoever extreamitie then either be submissive confession, or acceptation of pardone, to justifie their unjust conviction. Efter this shortlie the Earle of Dumbar took journey to Court."

"1. That no actes made in any former Generall Assemblie, the King being present, be any wayes touched, altered, or interpreted.

"2. That the Estate of Bishopes be not medled with, but that they continew still as they ar now presentlie, till the King's further will and pleasure be knowne.

"3. That the Commissioners be not changed, but after triall of some notable fault in doctrine, life or conversation.

"4. Notwithstanding any appellation, that the Commissioners proceed, they alwayes for their proceeding being answerable to the nixt Generall Assemblie.

"5. That they acknowledge the warrand of their meeting to come from the Prince." *

* In Swinton's MS. an account is given of the judgment of the Synods with regard to these articles, and, at the same time, of some other facts not contained in Gibson's MS. These are inserted in Swinton's MS., under Cap. V, which is entitled, "THE JUDGEMENT OF THE SYNODS OF HIS MAJESTIE'S ARTICLES, AND PRACTEISS OF THE BISCHOPS AND SOM OF THE NOBILITIE AGAINST THE CHANCELLOR AND PRESIDENT." And as they cannot, without breaking the thread of the narrative, be introduced into the text, they are inserted in this place. It may be stated that the Chapters of Book ii. in this MS., which are only six in number, do not correspond with those of Gibson's MS., which are fourteen in number. Chapter V. commences as follows:—

"Bot to returne againe to the purposse: Shortlie efter this actione diverse occassions did fall out, quhairby the intention of the enemies of Christian libertie, both in Kirk and Pollicie, was maid manifest, and all scruple removed out of the mynds of the most indifferent. The wholl Synods or Provinciall Assemblies of Scotland, being desyred be Mr Patrick Galloway, in his Majestie's name, to conveine in the moneth of Februarij, fyve Articles wer presented to every ane of them be two Commissioners, the one, ane Lord or Barrone, the uther, ane Bischop or Commissioner direct from his Majestie; quhilk articles they craived that the Synods sould allow and consent to befor the Generall Assemblie; the purpose and drift being, to have all things concerning the authoritie of Commissioners and Bischops so surlie concludit, that in the Generall Assemblie it sould not be possible to doe any thing in the prejudice therof, the fear quhairof was the only caus of such prolongation and drifting of it, and of the causles rigour and extreamitie used against these who had mett in Aberdein. The Articles wer these:—

"'1. First, That no acts maid in any former Generall Assemblie, his Majestie being present, be any wayes touched, altered or interpret.

"'2. Secondlie, That the Estaite of Bischops be not melled with, bot that they continew as they are now present, till his Majestie's farther pleassour and will be knowen.

"'3. Thirdlie, That the Commissioners be not altered, except upon the tryell of som notable fault in doctrine, lyfe or conversation.

"'4. Fourthlie, That notwithstanding of any appellation, that the Commissioners proceid, they alwayes for their proceiding being answerable to the Generall Assemblie.

The Earlle of Dumbarre being returned from Linlithgow to Edenburgh, perceaving the great discontentment that possessed

"'5. Fyfthlie, That they acknowledge that warrand of their meitting to cum be the Prince.'

"The Synods for the most pairt censured these Articles, as tending to the overthrow of the present goverment and discipline of the Kirk, approved and commanded be the Word of God, and ratified be the lawes of the kingdom; and all, except the Synod of Angus, referred the answering therof *simpliciter* to the Generall Assemblie, as the judicatour spirituall quhilk only had power to answer and discusse sic things as in common concerned the wholl Kirk within the land. Heirby was all doubting that did remaine removed out of all men's hearts, and the wholl ministrie walkand out of their securitie; it being plainlie discovered by the said articles proponed, defendit and urged be the Bishops and pretendit Commissioners, that the delay and let of the Generall Assemblie did proceid from their etling and purposse to have the power and authoritie of spirituall jurisdiction established in the persons of Bischops, and to that effect in the Commissioners, as their forrunners. This their resolution was thereafter more confirmed, when it was found that the Commissioners, speciallie Mr Patrick Galloway, Mr James Nicollsone and Mr John Hall, were the devyssers, penners, and proponers of the first four to his Majestie, quhilk they did send to his Hienes, willing him to send them as from himselff to the Synods; unto the quhilk four Articles, as being whollie conceaved in favours of the Commissioners and Bischops, his Majestie did add the fyfth for himselff. By this it may appear how much mor these deceitfull workers and hipocrytes in the Kirk are to be blaimed, for these troubles in the house of God, than his Majestie, who, although he never dissembled his lykeing and desyre to have Bischops established, yet had he not so far disquyeted his own Estaite, and perturbit the peaceable and floorishing Estaite of that Kirk, if, by the insatiable avarice, ambition, and desyre of preferment in these false brethrein, his Majestie had not bein continuallie steired fordward in that work.

"Bot leaving them, I must now speak somwhat of that quhilk ensewed, of the goeing of the fornamed Lords to Court: quhairin, befor I enter, we must not only call to mynd that quhilk befor we mentioned of the jealousie conceaved be the Bischops against the Chauncellor and President, and the accusation of the President be the Bischop of Glasgow befor his Majestie, at their going up in the moneth of September 1605, bot, also, that quhilk of lait, efter the action at Linlithgow did fall out touching the same matter. We did signifie befor, that the Bischops becoming jealous of the Chauncellour and President as quyet enemies to their erection, upon fear that the Bischops ryseing sould procuir their fall, Mr John Spottiswood, Bischope of Glasgow, did complaine heirof to his Majestie. Quhairupon, at their foresaid upgoeing to Court, the President was hardlie accuissed of his Majestie, and had much adoe to defend himselff against the said Bischope; yet at that tyme his Majestie compossed all matters betwixt them and sent them home outwardlie agried, upon promeiss of the President, in the Counsell's name, to promove the said erection be all means. This concord being bound up, mor for fear than love, did more irritat the mynds of the Counsellers, who not the less durst no wayes oppenlie give any show of contrarietie and opposition to the forderance of the forsaid Estaite of Bischopes, allbeit in their heart they wished their overthrow. This could not be so closelie conveyed be them bot the Bischops espyed it, and, therefor, the said Bischop of Glasgow did set himselff whollie to seik their disgrace, being puft up with hope to be Chauncellour.

"The occasion to effectuat his purpose was readillie offered. There still remained

the hearts of all people, for the proceidings of the Lordes at Linlithgow, delt first with the ministers of Edenburgh, to forbeare

ane miscontentment in the hearts of the ancient Nobilitie at the preferment of the Chauncellour and President, both becaus the government of the wholl kingdome was put in their hands, and, also, becaus in procuiring therof they had given just matter of offence to som of the nobilitie, speciallie to the Earle of Montrose, who had suffered great indignitie of both; the one haveing procuired his office of Chancellarie over his head, the uther haveing disgracefullie dislodged him out of his Majestie's Palace of Halyrudhouse, becaus the custodie therof was committed to him. Besyde this, they did still informe his Majestie, that the Nobilitie were the cheiff stay of the Bischops erection, both for the favour borne to the ministrie and fear of their own loss, quhilk they understood would be great if the erection did pas, in respect it could not be without the annulling of the act of annexation of the kirk lands to the Croun; by such reports confirming their own credit, and increassing his Majestie's mislyking towards the nobilitie. The Bischope of Glasgow, upon this occasion of distraction betwixt the nobilitie and these men, did endevour both to procuir their fall and his own ryseing; and, therfor, entered with the Lord Fleeming, who being son-in-law to the Earle of Montrose, had taken in evill pairt the disgrace done be them to his father-in-law; and putting him in hoip to obtain him his Majestie's good countenance and favour, quhilk then was alienated from him upon the respects forsaids, he being one of the Lords who at Perth had impedit that purpose of the alteration intendit; and, moreover, did put him in esperance, if he would condiscend to their erection, to perswade his Majestie to the displaceing of the Chauncellour and President, and placeing of uthers in their offices and also to give some advancement to himselff. The Lord Fleyming, being most desyrous of their disgrace, did glaidlie condiscend to be a friend to the erection. Quhairupon the Bischope took post to Court in great hope to work great things; [and] there, haveing renewed againe his former accusation of the Chauncellour and President, did, by all means, perswade his Majestie that they wer the only enemies to their erection; and, to confirme this, did give out som probabilities, that they did entertaine quyet intelligence with the ministers, and did secreitlie encourage them to resist that matter; rememberring among the rest the speaches that had past betwixt the Chauncellor and Mr John Forbes before the Counsell, the first day of his imprisonment, anent a promise that had past betwixt them before the said Mr John his going to the Assemblie at Aberdein, whilk promise the said Mr John affirmed to have faithfully keeped on his pairt; and lest hereby his Majestie should be moved to desist from his purpose, did put his Highnesse in esperance if he should forsake them and cast them off, that the Nobility might easily be induced to agree to his desire.

"His Majestie's mynd being brought to some jealousie, by these and sicklike speaches, with the Chancellor and President, he tooke purpose to try the verrity hereof, and specially that one poynt of it, [if it] could be possible that these men who had provocked his Majestie to such rigour against the Ministers for their Assembly at Aberdein had, notwithstanding, bein privie to their proceeding themselves. And, for this cause, having in his service a gentleman called Mr William Irwing, to whom one of the ministers in waird, called Mr James Irwing, was brother-german, and ane other, to wit, Mr John Forbes, was cousing-german, his Majestie did secreetly send Mr William Irwing to Scotland, with commission to Mr John Forbes, to learn the certainty of the matter, with strait command to let no man, except the said Mr John, understand that he had any sic direction from his Majestie. Mr William, comeing to the Ministers in waird, behaved himself in generall onely as a wellwiller, desirous to doe all that lay in his power

from all speaking against the said proceedings, promising that all things should turne to the best, and be ordered without prejudice of the Church, or the persones of their brethren that were found guiltie. And, therefore, he sent for Mr James Melvill, partlie for the same purpose, and partly to imploy his travels to persuade his brethren in Blaknes, now after their guiltines, to submit themselves to the King's will and to receive his pardon. Touching this last point Mr James Melvill refused to medle therewith, as knowing the brethren's mind to be, rather to suffer whatsoever extremitie, then either by submission or accepting of pardon to approve their unjust conviction. As for the other point, they all refused simply to be silent; yet promised to be somewhat more sparing of their speaches then necessitie could well permit, till they had seene the effect of his Honour's travels and promise.

About the 26th day of January, an answere was sent from the King to the Councell, touching the doome to be pronounced against the guiltie Ministers, commanding them likewise to proceed against the rest of the Ministers warded in other places, by putting them also to the triall of an inquest. Which direction was keept closse by the Councell, which, with all diligence, wrote backe againe to his Highnes, shewing to him the trouble and commotion that appearantlie would arise, if severitie were used against the persones convicted, as likewise what difficultie there would be to convict the rest. And, therefore, they intreated his Highnes to shew some favour to them that were already convicted, and to delay the triall of the rest, * lest that which was wonne already in the former should be lost againe, if the rest were absolved.

for their relief; and offered, if they would write any thing for clearing their innocency to his Majestie, both to carry it, present it, and promove their suit to the outermost; [and] in the mean time did imparte secretly his errand to Mr John Forbes. The Ministers, glade of so fair ane occasion offered to make his Majestie acquaint with the truth of their cause, did write ane common Letter direct from them all that were in waird to his Majestie, the tennour followes:" &c.—See this Letter at p. 508.

* The trial of the rest, consisting of eight ministers, never took place. They "were released from prison; but they were banished singly to the extremities of the Highlands, to the Western Isles, Orkney and Shetland; and in these inclement and barbarous abodes, several of them contracted diseases which hurried them to a premature grave." M'Crie's Life of Melville, vol. ii. p. 207.

The King wrote backe againe to them, desiring some of the Councell to come to him; namelie, the Earle of Dumbarre, the Lord Controller, and Lord Advocat; having consented that the arraignment of the rest of the Ministers should be delayed till he had spoken with them, and declaring that he could [not] shew mercie to those that, still justifying themselves, would not humbly begge the same at his hands, but that he would still delay the pronouncing of the doome till the rest were likewise made guiltie, that so it might be pronounced at once against them all. In the meane time he willed the Councell, by proclamation, upon all heighest paines, to put to silence the pulpits in that mater, for hindering of such trouble as they alledged was like to arise.

Upon the 29th day of January, Mr John Knox, minister at Mewrose, [Melrose], was sent in commission from the late Commissioners of the Generall Assemblie then assembled at Edinburgh, to the Ministers in Blaknes, to propound these four things following to them, and to report their answere: First, What reason had they for them to lay the blame and cause of their trouble and suffering upon the foresaid Commissioners? Secondlie, To inquire if they had busied themselves, as it was reported, to procure the subscriptions of all the Presbyteries to their Appeale, to strengthen their cause; Thirdly, To desire them to declare what gentleman had affirmed that the King had excused himselfe for refusing his sute, requesting for the releasing of some of them, by reason of his oath and promise given to some of the Commissioners, not to do it without their consent; and, Lastly, To inquire of them if they would correct the declaration of their Appeale, by leaving out *member of the Church*, meaning of the King.

The answer sent by Mr John Knox to the foresaid late Commissioners was this in substance:—To the first, they thought it not expedient to enter in question herein with their brethren, seeing there was alwayes some advantage taken of all their speeches against themselves and to their damage; and since their present estate required that their mindes should be exercised in preparing themselves for such an issue of their trouble, as the late proceeding

of the Lord Justice and the Lords against them gave them just cause to expect, rather then to enter into any fruitles and unprofitable contestation with their brethren; being alwayes ready, if God of his mercy should offer such an occasion, in love and charitie to communicate their griefes mutually before their brethren, who might be able to judge equitably of both their proceedings. Touching the Second, They doubted not but their doings and actions were carefully eneugh watched and looked on; neither did they looke for any favour in any thing whereof they might be questioned: therefore, as they were not to be their owne accusers, so they were ready to answere to any thing that any other had to lay against them, howbeit they thought that their brethren might have bene more then sufficiently satisfied with the trouble and griefe that was already brought upon them. As for the Third, They were nowayes minded to accuse any man for any private speech; but for the truth of the mater, there were some of the late Commissioners sitting among them, to whom that gentleman had told that mater at his returning home, and had rebuked them for their iniquitie therein, whom they desired to sound the deepth of their owne consciences, to try the veritie thereof. Concerning the Fourth and last, They had given their declaration of their Appeale before the Lord Justice, in their opinion according to good conscience, and to the full contentment of all sincere Christian hearts; to the which they did stand, being alwayes ready to reforme any thing therein, when their brethren should, by cleare evidence of God's truth and good reason, make them sie any iniquitie, errour, or just offence given thereby. This answere, in substance, being delivered by Mr John Knox to the Moderator of the late Commissioners, they willed him to give it in writ; which he, refusing, because he had caried no writing from them, they without any more ado broke up.

Upon the tenth of Februar, the Earle of Dumbarre, prevailing nothing with the King by writing, took journey to Court. The whole Synods being convened in this moneth, according to the forsaid warning, made by Mr Patrick Galloway, there were two Commissioners directed by the King to each one of them: the

one being a Barron or Knight, the other a Bishop or Commissioner of the Church; without any instruction, or any thing touching the Parliament, (although in Mr Patrick Galloway his letter that was pretended to be the cause of the meeting,) but only demanding their approbation and consent to the five foresaid Articles sent home by the King. Which Articles being censured, as they deserved, by the most part of the Synods, as tending to the overthrow of the present government and discipline of the Church, established by the Word of God, they were all referred to the Generall Assemblie as being the Spirituall Court, which only had power to answere and discusse such things as concerned the Church in common within this land.

These Articles removed all scruple out of men's hearts touching the intention of the Bishopes and Commissioners, and wakened the brethrein of the ministrie out of their securitie; finding plainlie that the delay and let of the Generall Assemblie proceeded from their purposing to have the jurisdiction established in the persones of Bishopes and Commissioners as their forerunners, who also were shortly thereafter revealed to be the authors, writers, and senders of the first four articles to the King, who added the fifth himselffe, for his owne purpose, the other four only concerning the Bishopes and Commissioners.

Upon the 19th of Februar, Mr William Scot, Mr John Carmichell, and Mr William Murray, went with a warrand from the Councell in commission to the Castell of Blakness, from the Lord Controller, who shortlie thereafter was to take journey towards his Majestie, desiring the imprisoned Ministers there to send the meaning of their mind touching their proceedings, so farre as they could or might yeeld, in such forme as might best pacifie his Majestie's wrath, promising to imploy his endeavours for their reliefe. The imprisoned Ministers, finding it no wayes expedient to give out any thing authenticklie as their mind, after conference with their foresaid Brethren, gave to them in writ a minut of their mind unsubscribed, to serve only for helping of their memorie in that mater; the substance whereof followeth:—

" Forasmuch as by our proceedings in that meeting at Aberdene, the first Tuesday of Julie last, and by the proponing of an Appeale in the processe persewed against us for the same, we may be interpreted to be contentious, and contemners of authoritie, which crimes, God knowes, we detest from our hearts as heighest abominations, not onlie in persones of our calling, but in all that live under Christian princes; declaring herefore, before God and his angels, that our intention in that mater was honest, together with our whole doings and proceedings, howsoever with infirmities, in the measure of knowledge that God hath given us, lawfull, sincere and upright; and by that Appeale we neither had nor have intention or meaning to eschew, refuse, or any wayes to exeme ourselves from any triall ordained by God, and practised in this kingdome under our dread Sovereigne; but we most humbly at all times offered, and offer ourselves to be tried and judged in all Civill and Criminall maters, wherein we ar or may be accused, according to the order practised upon others, his Majestie's subjects, by the ordinarie judges, and in Ecclesiasticall matters by the Church, and the Spirituall judges thereof. Neither do we wholly decline from his Majestie's judgement in such maters, but in this our bussines submit ourselves in all humilitie, and are contented to be judged by his Majestie and the Generall Assemblie, his Majestie being there present, according to the order practised since the reformation of religion within this kingdome. And we confesse that we ar sorie, from the bottome of our hearts, that by us or our proceedings his Majestie should be any wayes grieved or offended. And for appeasing of his Majestie's wrath, in all humble submission, upon our knees we begge his Highness his favour and woonted clemencie, commonlie shewed to all distressed subjects, to be extended towards us."

Upon the 22d of Februar, the Lord Controller tooke journey towards Court; upon which day also Mr William Irving, the King's servant, being secreitlie directed by his Majestie, after that he had bene in Stirling and Downe, went to Blaknes, and there conferred with the Ministers for obtaining their owne hand-writ

directed to his Majestie, both for clearing their cause and appeasing his Majestie's wrath, promising faithfully to deliver it to the King, and to further their peace according to his power.

The Ministers, after mutuall communication of their minds, in their severall wards, thinking it fit to imbrace the present occasion and opportunitie, which hitherto had never been offered to them in so sure a maner, to acquaint his Majestie with the truth of their cause, did write this letter following, for the foresaid purpose, and sent it subscribed with all their hands, with the said Mr William Irving, who tooke his journey backe againe the 27th of February.

The letter sent to the King is as followes:—

"PLEASE YOUR SACRED MAJESTIE,

"The zeal of this bearer to your Majestie's honour and service, and confidence in your Highnesse's favour, have emboldened us to write to your Majestie, in hope that the simple truth, joyned with humility and humblenesse of heart accompanying the truth, having manifested our hid and yet harmlesse innocency to your Highnesse's minde, by grace godly, by nature wise, by office just, shall baith deliver your Majestie's heart frae all prejudice imprented be misreports, and purchase to us the benefeit of your Highnesse's clemency, whilk hitherto hes beine restrained not be any offence justly ministered by us, but by policy imposed upon us, and obtruded to your Majestie; our proceedings first and last, being [so farre from contempt of your Majestie's authoritie, that though we were sent with commission to that meeting at Aberdene, *] yet upon the signification of your Highnesse's pleasure be the Laird of Laurestoun, we delayed all things, although no charge being executed against us, nor intimation made to us; having offered oftimes to the Lords of your Highnesse's Secret Counsell to have reduced their pretendit execution, alledged indorsat against us, but we were never heard nor admitted. The motives whilk caused us appoint ane new day we referr them to your Majestie's wise con-

* From Gibson's MS.

sideration; being moved thereto, first be necessity of order, and next be your Highnesse's Commissioner not only refuissing to nominate himself ane day long or short as he pleased, it being simply referred to him be us, but also plainly signifying that he looked we were never to obtain any Generall Assemblie again, and yet in end yealding thus farr that we had reasone to designe ane new day, albeit he could not consent thereto himself, as having neither credeit nor commission to that effect. And as we did nothing in contempt, so have we abstained fra obstinat and wilfull defence of our doings, ever refuissing to judge thereof ourselves, we being the actors, and humbly submitting ourselves to the tryal of others, namely, to the Generall Assemblie. Notwithstanding, we were so unwilling to use any declination of the Counsell therein, that we did forbear till all other means of supplication and humble suit was rejected, and so we compelled thereto against our will, for preserving of that order, appointed be God and approved be your Majestie, touching the distinction of the Spirituall and Civill judicatories, as our Supplication given in to the Counsell before our Declinatour will declare; whilk we have sent to your Majestie. Neither did we this to exeim ourselves fra any lawfull tryell in any thing civill or criminall wherin we ar or may be apprehended be the Ordinar judges appointed in sic matters, and practised upon uthers your Majestie's subjects. Neither concerned our Declinatour your Majestie's self, but your Highnesse's Councell; neither the Councell *simpliciter*, but in that and sic matters Spirituall allennarly,* sic as is the lawfulnesse or unlawfulnesse of ane Generall Assemblie; and so (as your Majestie knowes) to be judged be ane spirituall and not by a civill judicatory. Your Highnesse's authoritie over us we never declined, knowing and acknowledging your Highnesse our only Sovereigne Lord, under and in God, and from God, in all things belonging to this life; so that whosoever resists your Highnesse's authority or contemnes the samen, he contemnes the ordinance of God, and bringes condemnation upon himself. And, farder, with great consolation, giving

* Only.

thanks to God, who hes honoured your Highnesse with the confession of his truth, and so hes called your Majestie to be ane honourable ruler* of his Kirk, whilk is his body; we not only reverence your Highnesse as a nourishing father of his Kirk, whoes royall power should be employed to the mentenance thereof, in peace and purity both of the doctrine and discipline, according to the order prescribed be Jesus Christ, her only Lord, Head and King in his Word, in repairing whatsoever is decayed in the trew worship of God, in repressing all contrary worship, and punishing all, baith contemners and negligent, in whatsoever the Lord hes concreddeit,† being breakers‡ *utriusque Tabulæ;* but also, in respect foresaid, were, and are still willing, in all humility, to be judged in this matter according to the order whilk hes bein observed and practised be your Majestie in the Kirk, for § reformation of religione, in the Generall Assemblyes thereof, whereunto your Majestie hes oftentimes sitten, being personally present, or otherwise, be your Highnesse's Commissioner: so that, in declining the Counsell, and betaking us to the Generall Assemblie, we did in no wayes declyne your Majestie,‖ neither meanes to doe so, but in humility submits ourselves to your Majestie and the said Assemblie, as said is, humbly intreating your Majestie and the said Assemblie, to consider heerof, and to have pity and compassion on us, who have bein thir seven or eight moneths restrained from the public service of our God in his Kirk, and frae all dueties to your Majestie in this commonweal; and that nawayes for any wilfull standing to the defence of our doings, but only for that being cited and compeirand before the Lords of the Secreit Counsall we wald not condemne ourselves before tryall, being urged be them, upon our oath, and under the paine of contumacie, to give our opinion concerning that meeting; anent the whilk, as ever, so yet, we submit ourselves, our proceedings, and judgment therof, as said is, being maist willing, in all humility, to amend whatsover we shall be found to have

* Gibson's MS. has "member."

† Commanded.

‡ Gibson's MS. has "*vindex.*"

§ Gibson's MS. has "since the."

‖ From this place to the last sentence in the letter, next page, beginning with "So humbly remitting," &c. is not in Gibson's MS.

done amisse, contrairy to the Word of God, constitutions or customs of the Kirk, or lawes of this your Majestie's kingdome, according to the censures of the judges competent; and now, being in your Majestie's hands, to doe with us as seemes good to your Majestie; having in every thing whilk we have done in thir our proceedings continually giving evidence [given evident] proofe of humility, reverence of our hearts towards your Majestie, and in every thing having followed that which is agreable to the will of our God, according to our knowledge; we yet protest, before God, that yet, frae the bottom of our hearts, we are sorry that your Majestie, should be grieved with us our proceedings, and do most humbly beseech your Majestie to relent your Highnesse's wrath, and to be appeased towards us, the servants [of] your Majestie's God, and of your Majestie in God, in all things; who never wer nor (God willing) shall be unfaithfull or disobedient, let be traitours, to your Highnesse's authoritie. So humbly remitting the consideration of our weakened persons, so many moneths imprisoned, our familyes outerly impoverished through our extraordinary charges, and our desolate flocks wherin so many soules have bein so long deprived of the comfort of the Gospel; and prostrating ourselves before your Majestie, we wish frae God the Father of our Lord Jesus Christ, encrease of honour, prosperity and peace to your Majestie and your Highnesse's throne, with eternall life hereafter to your Majestie and your Majestie's posterity.

"Frae the places of our imprisonment the 24th, 25th and 26th dayes of Februar 1606.

"Your Majestie's most humble Supplicants, loving and obedient Subjects, and daylie Orators."

This * letter being prepaired in all their names, Mr John Forbes, fearing that advantage should be taken of his writing to his Majestie against himself, rather then against any of the Counsell, whom he suspected his Majestie not so much to mislike for any wrong done against him and his bretheren, as for their slownesse in pro-

* From this to the paragraph at p. 514, ending with these words, "as oft as he should think good," is not in Gibson's MS.

moveing, and secreit policy in hindering, the Bishops erection: therefore, at the first, resolved to write nothing in particular; yet efterward, be advice, finding the matter betwix the Chanceler and him first divulged be the Chanceler his conference with Mr John Welsh, Mr James Balfour and Mr Walter Balcanquell, and by his own speaches before the Counsell to Mr John himself, and thereafter to diverse gentlemen in conference, and now at last brought to his Majestie's eares, as said is, he was perswaded to write, yet so spairing as possiblie he might, fearing be silence to offend his Majestie, and to put his Highnesse in greater suspicione with himselffe if he should conceal a known and revealed truth. And, on other parte, desirous to avoide all occasion of danger to himself or others, be publishing more than was already manifested; as also, considering how far the concealing of that matter so long, had brought both him and his brethern in such danger of his Majestie's wrath, and that the manifesting thereof would, at least, if not prevent the danger, yet make the iniquity of rigorous proceeding against them the more evident to all men; he concluded to write as after followes:—

PLEASE YOUR SACRED MAJESTIE, &c. *

. . . . . .

Whill these letters were prepairing, the Counsell was informed that Mr William Irwing had bein in Blacknesse conferring with the ministers; whereat the Chanceler and President, albeit they knew nothing of his errand, yet fearing that be him some report and intelligence, according to the truth of their proceedings, might be conveyed to his Majestie be him, they sent direction to the Earle of Linlithgow, that in naewayes Mr William sould be suffered to have entresse within the Castle of Blacknesse again, who, according to their direction, commanded his servant the Constable

* This letter, and some other letters of Forbes, referred to afterwards, are neither in Swinton's nor in Gibson's MS., and we have not succeeded in finding copies of them elsewhere. In the former MS. a blank is left for these letters, as if it had been the intention of the author to insert them at some subsequent period.

to see it were obeyed. Hereupon, Mr William comeing back again to Blacknesse to receive his answere, he was holden at the gates, and accesse to the Ministers refused him, yet [in silence of the night, secreetly the Ministers *] convoyed out the letters to him at [ane small open in the *] gate, who, receiving them, took post back to his Majestie the 27th of Februar; the Earle of Dumbar being yet in his journey towards Court, so that Mr William did preveen him, and did come to his Majestie before him. The letters considered, his Majestie began throughly to be resolved, that whatsoever the Bishope of Glasgow had spoken to him concerning the Chanceler and President was trew; and so his mynd began to be estranged from them, as men both ungrait and deceitfull, who, being advanced highly be his Majestie, and put in the trust of his Majestie's most weighty affairs, and having promised to effectuat his desire, did not the less secreitly practise the contrair; whilk specially he gathered of that confession contained in the letter sent be Mr John Forbes, that he went not to Aberdein without the free knowledge and advice of some of them, and their approbation to that whilk was done, providing no more should be done: whilk words, lest they should have bein wrong applied, Mr John had willed Mr William Irwing to shew his Majestie that they were meant of the Chanceler, whilk his Majestie of himself conceived, because of the Bishop of Glasgow his speach. This did give a fit occasion to the Lord Fleeming and Earl of Dumbar coming to Court to prosecute their intentione; for finding alreddy his Majesties mynd brought in jealousie with these men, they did what they could to augment it for the causes before specifyed, and did so far prevail, that they brought his Majestie to yeald to the removing of both Chanceller and President from their offices, yet so as it should proceed upon ane lawfull conviction of undutifulnesse. The ground they thought fitest for that purpose was, their intelligence, foreknowledge, and approbation of the Assemblie at Aberdein; wherein they presumed verily that Mr John Forbes would be their accusers, in respect of the severity, unjust, bitter proceed-

* The words within brackets are deleted in MS.

ing used be them against himself and his remanent bretheren. Thus, they concluded to use him as the instrument to procure the accomplishment of their designe. His Majestie for prosecuting the matter, did give commission to the Earl of Dumbar and my Lord Fleeming, with so many others, to take tryall of that matter; and for the greater security, be their advice, his Majestie did again direct Mr William Irwing with commission to Mr John Forbes, desireing him to inform his Majestie how he was able to verify the Chanceler's foreknowledge and approbation of their proceedings at Aberdein, willing him to clear it either be writ, witnesses or circumstance, and it should suffice. This commission was likewayes covered with a pretence of ane generall creddeit to the hail wairded ministers in his Majestie's name, desiring them to passe from their Declinatour; and, for surety of accesse, whilk Mr William declaired to his Majestie would be denyed to him, his Highnesse did give him ane warrand from himself to the Constable of Blacknesse, with ane strait direction to suffer him to conferr with the Ministers at his pleasure, privatly or publickly, as oft as he should think good.

Upon the 13th of this Februar, according to the King's direction, the Councell made a decree for publishing of a proclamation, to hinder all publick speeches in pulpits against their proceedings with the Ministers in Blaknes, &c.; which afterwards they caused print, which is as followes:—

"JAMES, be the grace of God, King of Great Brittane, France and Ireland, Defendar of the Faith, to our lovitts . . . . . messingers, our sheriffs in that pairt, conjunctlie and severallie, speciallie constitute, greiting: Foralsemeikle as We and our thrie Estaites of Parliament, quhilk conveined at Edinbroughe in the month of Maij 1584 yeires, considdering the great harme and inconvenience quhilk fell out within our kingdome through the wicked and licentious publict and privat speaches, and untrew calumnies, uttered be diverse undewtifull subjects, to the disdaine, reproach, and contempt of us, our Counsell, and proceidings, stir-

ring up our subjects to mislykeing and unquyetness, and to casting off their dew obedience to us: Therefore We, and our said Estaites of Parliament, statute and ordaine, That none of our subjects, of quhatsoever function, degrie, or quallitie, sould presume, or tak upon hand, in tyme coming, privatlie or publictlie, in sermons, declamations, or particullar conferences, to utter any fals, sclanderous speaches, to the disdaine, reproach, or contempt of us, our Counsell, or proceidings, or mell in the effaires of us and our Estaite, then present and to come, under the paine of death; certifieing them that sould be tryed * to be contraveiners therof, or who sould hear sic sclanderous speaches and not reveall the same, that the said paine sould be execute upon them without favour, as in the said Act of Parliament at length is contained. In the quhilk Parliament, also, be ane uther act, our royall power above all Estaites of our kingdome, both spirituall and temporall, was established; and, therfor, it was ordained, That no person, of quhatsoever function or degrie, spirituall or temporall, sould declyne our judgment in any matters of sedition or treasson, or uther civill or criminall, or in any contumelious, seditious, treassonable speaches, thus uttered be them in pulpits, schoolls, or uther rowmes, under the paine of treasson, as in our said act, at mair length, is contained. And, farder, in our Parliament haulden at Linlithgow, in the moneth of December 1595 yeires, it was statute and ordained be us and our thrie Estaits, That all our subjects sould conteine themselffes in quyetnes and dewtifull obedience to us and our authoritie, and in na wayes to presume or tak upon hand, in time coming, publictlie to declair, or privatlie wryte, any purpose or sclander of our person, estaite or government, or to reproach our lawes or Acts of Parliament, or to misconstruct our proceidings, quhairby any mislykeing may be moved betwixt us and our Nobillitie and good subjects, under the paine of death, as in our said Acts of Parliaments, at mair length, is contained. Lykas also, in the Generall Assemblie of the Kirk, haulden at Perth in the moneth of March 1596 yeires, (quhair also, and at that same

* That is, found.

instant tyme, there was ane very solemne and frequent Assemblie of the Nobillitie, and Counsell, and Estaites of our kingdome,) it was ordained and agried, with full consent of the said Assemblie, That no ministers sould reprove our acts, lawes, statutes, ordinances, whill [until] he beis advysed of his Presbitrie, Synod, or Generall Assemblie, sould complaine, or seik remeid of the same from us, and report our answer, befor any farther proceiding, as it is contained in an act of the said Assemblie, quhilk was ratified and approven be us and our Estaites conveined at the tyme forsaid. Notwithstanding quhairof, it is of trueth, that [there are] sum restles and unquyet spirits als weill of the ministers as uthers,—abuseing our lenitie and favour, and presuming of impunitie, be the bygane proqffes and examples of our proceidings and dealling with them, quhairin we have very tenderlie and cairfullie sought the peace of the Kirk, and retaining the preachers therof in that modestie quhilk appertaines to their professione and calling,—who cease not, in their publict sermons and privat conferences, to impugne and misconstruct the proceidings of our Counsell in that lait proces that was used against that little handfull of the Ministrie, who contemptuouslie maid the fashione of ane Generall Assemblie, and keiped ane pretendit Conventicle at Aberdein, in the moneth of Julij last, and wilfullie and malitiouslie not only maintained the samen sensyne as ane lawfull Assemblie, bot, lykwayes, most treassonablie and seditiouslie declyned the Counsell in that matter, and, therby, denyed our Royall power and prerogative, quhairby they are convict and found guilltie be ane verry famous inquest of ane number of Honorable Barrones and Gentellmen, of good rank and credit; quhairby thir restles and unquyet ministers, prophaneing the chyre of veritie with seditious, sclanderous, and uncomlie speaches, and railling against the proceidings of our Counsell, as said is, in contempt and break of the lawes, and actes, and ordinance of the Kirk, do what in them lyes to corrupt the hearts and opinions of our good subjects, and to allienat and withdraw them from their dew obedience to us and our Counsell,—a matter unseimlie in persons of their professions and calling, and carrye-

ing with it ane very unfampus sclander to the Kirk. Bot seeing mercie and clemencie, quhilk ever has accompanied our government, being extendit to unthankfull and bussy bodies, produces nothing bot contempt upon contempt, and the more that We and our Counsell deall in peace with sic sort of people they are the more arrogant and loftie, neglecting their studies and contemplations, and spending the tyme appointed for preaching and instructing of their flockes, with idle talk and impertinent discourses, and melling with matters of Estaite, quhairof there is no tolleration within no uther Kirk of Europe: We and our Counsell have resolved no longer to spaire this proud contempt of us and our lawes, bot to put our saids lawes in execution with all rigour. Our will is heirfor, and We chairge yow straitlie, and command, that incontinent thir our letters seine, ye pas, and in our name and authoritie, command, chairge, and inhibite all and sundrie, our subjects of quhatsoever degrie, quallitie or condition soever they be, that nane of them presume, nor tak upon hand, privatlie or publictlie, in their sermones, declamations, or privat conferences, to utter any sclanderous speaches against the proceiding of our Counsell and Justice in tryeing and punishing of the saids Ministers; and on na wayes to mell in that matter, nor uther the effaires and proceidings of our Counsell and Estait, bygane, present and to come, under the paine of death; certifieing them that faillyies, and does in the contrair therof, that the said paine of death sall be execute upon them without favour; certifieing, also, all and quhatsoever persons that sall happen to be present, and hear the said sclanderous, seditious, and uncomlie speaches, and sall not reveall the samen, that the said paine sall be lykwayes execute upon them; and sicklyk, that, in our name and authoritie, ye command and chairge all and sundrie Shereffes, Stewarts, Baillyies of our Regalliteis, Prôveist, Baillyies, and Counsell within Borrowes, Noblemen, Barrones, and Gentellmen of power to landwart, and ilk ane of them, conjunctlie and severallie, who sall be present auditors of sic sclanderous, seditious and treasonable speaches, uttered in pulpits, publict sermones, or otherwayes, in contempt,

reproach, or disdaine of us, our parents or progenitours, of our Counsell, our proceidings, or melling with the effaires of our Estaite, present, bygane and to come, to stope and interupt the speakers and utterers therof, tak, apprehend them, and put them in sure firmance, whill [until] We and our Counsell be adverteissed, that order may be taken with them as accordes: Concerning all and sundrie persons forsaids who shall hear the said sclanderous, treasonable, seditious speaches, and sall not apprehend the authors and utterers therof, if it be in their power, and, faillyieing therof, reveall the samen to our Counsell, That the hearer and not apprehender, if it ly in their power,—concealler, and not revealler, of the said leassing makers and authors of the said sclanderous and seditious speaches,—sall be punished in that same measur and degrie as the principall offenders, conforme to our lawes and Acts of Parliament maid heiranent; and, farther, that ye, in our name and authoritie, command and chairge our said Shereffs and Stewarts, Baillyies of our Regallities, Baillyies and Counsell within Broughes, Nobelmen, Barrones, and Gentelmen of power to landwart, and ilk ane of them *respective*, to put our said Acts of Parliament, and this present proclamation anent the present interrupting and stoppeing, takeing and apprehending of the saids false, sclanderous, seditious, and treassonable speakers, to dew execution in all poynts within fourtie-eight houres nixt, efter they be chairged be yow therto, under the paine of rebellion and putting of them to the horne, and escheat, and bring in all their moveabll goods to our use for their contemption: The quhilk to doe We committ to yow, conjunctlie and severallie, our full power, be thir our letters, dewlie execute and indorsate againe to the bearer.

"Given under our Signett, at Edinbrough, the threittein of Februarij, and of our reigne of Great Britane, France and Ireland, the thrid and threttie-nyne yeires.

"*Per actum Secreti Consilii.*"

This proclamation did nothing diminishe, bot raither augment, the open outcry of all, bot speciallie of the ministrie; who, being greatlie offendit at so godles and prophane ane edict in a Christian kingdome, under a Christian King, published by a Counsell professing Christianitie, Commissioners were direct from the Synods of Lothiane and Tividaill, to complaine thereof to the Counsell, and will them, in the name of Jesus, to redresse it; who did present in wryt the Greiffes following, to the Counsell:—

> "CERTAIN GREIFFES OF THE MINISTERS OF LAUTHIAN AND TEVIDALE, being assembled at Edinburgh the 25th of February, *anno* 1606, conceived upon the Proclamation, to be given in to the Most Honorable Privie Counsell, and some redresse to be sought for them. *

"First, In all reverence and humilitie we lament and regrate, That quhairas the messingers and servands of Christ, preachers of God's Word, are authorised be the Holy Scriptures, with full and frie power and commission, to preach the Word, impugne, rebuik, admonishe, exhort, and correct, and that under no less paine then casting both bodie and soull into eternall hell's fyre; yet not the less be that Proclamation restraint is maid of their libertie, and they discharged, in a pairt, to use their chairge and commission, quhilk to them is given of God towards ane everie persone that is of his famillie,—quhairas we are oppenlie inhibite, on na wayes, to mell with any affaires of his Majestie's Counsell, and that under the paine of death, to be execut without all favours: Quhilk in all humilitie, we craive it would pleas your Honors to redresse, becaus it is expresse against the Word of God, and practeiss of his holy servands in all ages.

"Secondlie, We most heavilly lament, That in that proclamation the holy ministrie ar insimulat, † yea, oppenlie notted *indicta causa*, as restles and unquyet spirits, seditious, sclanderous, and unseemlie speakers, declaimers, raillers, disdainers, reproachers, contempners of his Majestie's lawes, withdrawers and corrupters of his Majestie's

* This title is from Gibson's MS. † Charged.

subjects hearts from his obedience, unthankfull, bussie bodies, proud, arrogant, loftie, prophaners of the chair of veritie, spending the tyme appoynted for preaching upon idle talk and impertinent discoursses, breakers of his Majestie's lawes, and ordinances of the Kirk: Quhilk, seeing it tends to the disgrace and contempt of the holy message quhairin we serve, to the manifest hinderance of the course of the Gospell, unto the heigh dishonour of the great God, in all humilitie and earnest maner, we craive the same to be redressed.

"Thirdlie, Be that Proclamation, strait command and power is given, not only to magistrats and persons clad with publick authoritie, bot also to every man that pleasses oppenlie to resist the course of doctrine, to close the mouth and interrupt the preacher in his sermone,—a matter very strange and of great noveltie, quhilk human civillitie forbids to be used against any publick speaker, in any (although prophane and common) matter or subject;—quhilk if in this it sallbe permitted, it will breid great confussion, and it sall come to pass that the paroche kirks and pulpits, quhilk are of God ordained for doctrine of peace, and reformation, sall become publict places of contention, stryffe and tumults, and entertaine the corrupt humours of persons evill disposed, to the heigh dishonour of God's Majestie, the breaking of his Majestie's lawes, (James VI, Par. ii. Act. 27,) unto the great hurt and displeasure of all that being present are touched with any sense or fear of God.

"Lastlie, The interruption, taking, and apprehending of the Ministrie in the course of their doctrine is commanded to all men, as weill magistrats as uthers, quhilk is unlawfull to any; quhairby not only the common people are maid judges of our doctrine, bot also even the reinzies loussed to all prophane persons and Papists, speciallie under pretence of the said Proclamation, to abuse the ministrie and to be revenged of their own particular quarrells; and so sall steir up in every flock, some for invasion, some for defence, quhairupon may follow shedding of blood, and many uther great inconveniences; quhairas his Majestie's acts have prescryved a

more peaceable and orderlie form of apprehending very excommunicats, efter sermons, sacraments, and prayers."

Thir Greiffes being presented and read, the Chauncellour answered them, be word, as follows :—

First, In general that these Greiffes wer no greiffes indeed, becaus conceaved upon the Proclamation misconstructed; as also becaus there was nothing contained in the Proclamation bot that quhilk is expresslie aither in the Acts of Parliament, or Act of Counsell, namelie, anent interrupting, maid *anno* 1596. In particular, to the First greiff he answered, First, Enquyring if they might not reprove some except they meddled with the King and his Counsell? Secondlie, Desyring them tauntinglie to come and tell themselves first before they tauld sutters and tailzeours. To the Second greiff he answered, First, Inquyring if they would not say that Earles, Lords, Barrons, if they wer adulterers, &c., sould goe to hell and name no man in particular, except they wer sic men as wer controllable [incontrollable?]. 2. Whereas they alledged they wer notted *indicta causa;* he answered it was not so, becaus sex were convict; at quhilk word one Mr Adam Colt replyed, *Non relevatur*, because proclamation was not against them, neither wer they convict of these things. To the Third he answered, There was ane Act of Counsell for the same, [which, if they pleased, (said the Lord Advocate,) they would insert in the proclamation, or otherwise they would shew it to them. *] To the last he answered, Desyring them, if they got any wrong, to complaine, and they sould gett ane sufficient answer. Thus pairtlie with prophane mocks and scoofes, and pairtlie defending their late iniquitie with their former,—this godless act and edict of Counsell by uthers alyke maid be themselffes befor,—they answered the Greiffes and dismissed the Ministers; who persaiving their malitious prophanness, thoght it meit to insist no more with them, bot to indevour in their calling to be faithfull, committing the event to God.

The Counsell perceaving their proclamation to have nothing

* From Gibson's MS.

terrified the preachers, nor procuired any obedience in the people, bot as the one spake frielie against their impietie, so the uther heard it patentlie, and daylie more and more did abhor it: Therfor, knowing, and as they confes themselffes, finding the simple sort to be too credulous of every fals report, they did sett foorth the book so oft mentioned be us heirtofore, intituled, "A Declaration of the Just Causses of his Majestie's Proceedings against these Ministers who are now lying in Prisson attainted of Heigh Treasson, sett foorth by his Majestie's Counsell of his kingdome of Scotland;" a birth, indeid, fitlie and lyvelie representing the father, and a fruit carryeing the kyndlie savour of the trie, if by the Counsell ye understand these who wer the cheiff and almost only actours in this tragedie, to wit, the Lords Chauncellour, President, and Advocat,* of whom I would have all men to esteeime us to speak in this wholl discourse, quhen we name the Counsell. In this booke, they pretend their purpose to be, to remove all scruple of justice and necessitie of their proceidings against the ministers out of the people's hearts, by setting doun the trew staite of the question, with all that hath followed and ryssen therupon. But so far have they erred from trueth, that to speak the trueth in the sight of Him, who is only trew, I think there was never so impudent and peart a forgerie against so knowen a trueth, so spytfull malice against so harmless and innocent persons, oppenlie professed be sic whose profession outward does obleidge them to the maintenance of the trueth, whose callings requyre justice and equitie in their proceidings, and whose advancement from almost nothing, to be the rullers of a kingdome, sould have procuired greatter thankfullness to God, from whom alone all advancement cometh. To whose bitter reproaches against the faithfull servands of Jesus, and manifold calumnies against the trueth and veritie of their actions, allbeit I be not purposlie sett to mak answer in this discourse, yet would I have all men, by consideration of this faithfull and upright Narration of that matter from the beginning, to

* That is, the Earl of Dunfermline, *Lord Chancellor*; *Lord Balmerinoch*, Lord President; and Sir Thomas Hamilton, *Lord Advocate*.

learne quhat wrong and injurie is done by the penners to these guiltless ministers and messengers of God in that scandalous pamphlet, pairtlie by concealling the trueth both of theirs and the Counsell's proceidings, pairtlie by oppen callumnies against the trueth of both, pairtlie by wreisting all things to a wrong sense, against their own knowledge, and pairtlie by laying doun the bitter and malicious thoghts, inventions and conceptions of their own hatefull and evill dispossed mynds for the causses and grounds of the ministers actions; in all quhilk it may be weill seeine how skillfullie they have learned to practeiss, among the rest, that prophane precept of their master Machievell, *Calumniare audacter, adhærebit aliquid.*

The former discours oppens up the most pairt of these callumnies quhairwith this action hes bein traduced wrongfullie. There rests yet one to be considered. It is said in that foresaid book of "Declaration," that the only thing the Ministers could alledge for themselffes why they sould not go to the tryell of ane assyse was, that the said statute of Maij 1584, was therefter interpretted and limited by a particular clause of a statute maid in 1592, quhairin it is declaired that the said act maid in 1584, against the declyning of the Counsell's judgment, sall no wayes be prejudiciall, nor derogat any thing to the privilledges which God hes given to the spirituall office-bearers in the Church, concerning heads of religion, &c. Heirin I remitt the Reader to the reassoning of this matter befor the Lord Justice, and the speaches uttered be the Pannell, to try in this poynt quhat credit the authors of that reproachfull lybell merit; and, by their frawdulent dealling in this one thing, to learn quhat trueth is in the remanent narration of that pamphlet, in the quhilk, from the beginning to the end, it may be justlie said that there is nothing quhilk is not aither forged or falslie reported. We speak not this for information of these who dwell in the land, since it is universallie knowen there quhat difference is betwixt that report and the trueth of that action therin recordit; bot for resolving the mynds of strangers, in respect there is no Christian Church in Europe quhair these men

have not caussed their said book to be published, of set purpose to mak the trueth of God and his holy ministrie odious to all men, in the mean tym suppressing all monuments and registers of their proceidings at home, thinking thereby that the veritie sall never come to light; and, therfor, have they inhibite the Justice-Clark to impart the process at Linlithgow * to any man, no, not to the pairtie upon any condition; so that it may seime strange how so much heirof did come into our hands. Bot heirin we are bound to thank God, who will not faill to bring every secreit to light and every work to judgment, whom it hath pleassed to convoy thir things to my knowledge out of the authentick Registers.

## CAP. XII. †

LETTERS SENT FROM THE PREACHERS OF THE FRENCH AND FLEMISH CHURCHES AT LONDON, TO THE MINISTERS OF EDENBURGH, WITH AN ANSWER THERETO FROM THE IMPRISONED MINISTERS, AND ANOTHER LETTER SENT FROM THEM BY MR WILLIAM IRRVING, SERVANT TO THE KING'S MAJESTIE.

The Councell and Commissioners of the Church of Scotland did still invent calumnies against the imprisoned Ministers, cheefly the six that were in Blacknes, and by their instruments, whom they had readie for all such imployments, caused them to be spread abroad through the whole Ile, especially at London, all to make those faithfull ministers odious, cheeflie to their bretheren that were abroad: whereby it came to passe that those false rumours came to the eares of the French and Flemish pastors of the

* The process referred to, as contained in the original record, is included in Pitcairn's Criminal Trials, vol. ii. pp. 494-504. As already stated by Forbes, the trial took place at Linlithgow on the 10th of January 1606; and the warrant and doom of banishment was pronounced, after an interval of upwards of eight months, by Mr William Hart of Preston, Justice-Depute, on the 23d of October 1606.

† From this to the paragraph at page 532, beginning with the words, "It is not to be omitted in this time," &c. is from Gibson's MS. Swinton's gives only the leading facts, and does not contain the letter of the French and Flemish ministers to the ministers of Edinburgh.

Churches at London, through the information of one Sir James Sempill * and others, who, having taught their tongues to deceit, made a trade of traducing the godly, for the pleasure of men, and for their owne gaine. The same pastors, whether moved with displeasure for such reports of their brethren, esteeming them to be true, or, through the persuasion of others who sought by all meanes to procure some testimonie from strangers against the imprisoned Ministers, it is not certaine; but, howsoever, they were perswaded to write a letter to the ministers of Edenburgh, wherein they relate the rumors that went abroad, their griefes thereat, and their counsell to their brethren. This letter being communicated by the ministers of Edenburgh to the Presbyterie, it was sent from the ministers thereof, with Mr Michell Cranstoun, to the ministers in Blacknes, that they themselves might give full information for answering the same.

The letter here followeth :— †

"CHARISSIMIS ET APPRIME IN CHRISTO COLENDIS FRATRIBUS, ECCLESIÆ EDENBURGENSIS FIDIS PASTORIBUS.

"Ne cuiquam vestrum mirum videatur (fratres in Christo observandi) si homines exteri, vobis fortasse nec de facie nec de nomine noti, de re maxime seria vos ultro compellare non vereamur: homines sumus Christiani, pastores Ecclesiæ, vobis in ampla illa Christi familia *συνεργοι*; nihil igitur humanum, Christianum, Ecclesiæ Dei conducibile, a nobis alienum esse ducitote. Jam vero agitur apud vos causa maximi momenti, cujus exitum non modo Britannia tota, sed pleræque etiam nationes exteræ expectant; boni anxie, dum Ecclesiæ et reipublicæ mala perhorrescunt; attente mali, si quid inde fuci ad sceleratos suos conatus pingendos conficere possint; utinam tamen nobis adsit *Θεὸς ἀπὸ μηχανῆς*. Quis interim hic sileat aut stertat, quin malo certum remedium quærat, vel optet? Nobis sane cum dolentibus est dolendum, ex Apostoli

* Sir James Sempill of Beltrees: see M'Crie's Life of Melville.

† The marginal notes which accompany this letter have been added by Forbes, or some other hand.

præscripto, ac vinctorum meminisse nos decet, acsi vincti essemus. Valide certe nos perculit ad nos delatus rumor, de controversia illa, quæ tam eximium regem, et alioquin clementissimum, fratribus aliquot infensum reddidit; sed multo magis, capitale illud judicium Majestatis, de quo in eos latam esse sententiam fama percrebuit, quantumvis alioqui bonos, et utiles Ecclesiæ Dei servos, læthali prorsus et vobis, et piis pectoribus vulnere. Liceat igitur nobis, fratres, absque πολυπραγμοσύνης, nota ét vobiscum ingemiscere, et animi sensa paulo liberius exprimere; quis enim ad horrendum tanti fulminis impetum excitatus, de causa, de modo, de remedio non sit solicitus? Itaque et vestrates Scotos, et ex Anglis aliquot, quibus noveramus, et Ecclesiæ Dei, et fratrum vinctorum curam incumbere, interrogavimus, communicatisque consiliis, Parliamentorum vestrorum acta, quid fratribus objiceretur, quid contra exciperent; judicii denique totius fundamenta, quantum assequi potuimus, expendimus. *Sic porro* nobis animadvertere videmur, Regia et publica authoritate rite coactas Synodos vobis esse concessas; nec controvertitur, utrum vobis Ecclesiastica negocia liceat in hujusmodi cœtibus pertrectare. Sed enim Regii esse muneris asseritur, imperatorum Christianorum more, in omnibus ejusmodi conventibus præsidere, locum mutare nonnunquam, tempus prorogare, cum penes Regem sit notitia circumstantiarum multarum, quas et vulgus et pastores etiam ignorare fas est; quæ tamen ad totius reipublicæ salutem pertineant.

Synodi concessæ Regia authoritate.

1. Insimulantur fratres inanis metus, et suspicionis in Regem contumeliosæ.

"1. Metum quidem in vos omnes cadere potuisse non inficiantur, ne delationibus variis cuncto prætextu quæsitis, jus tandem Ecclesiæ evanesceret vobisque omnino periret, cui malo matura cautio adhibenda fuerit. Verum enimvero, fratres, nec suspicax est ingenium charitatis; nec de Regibus nostris imprimis, sinistras concipere sententias, honestum est, conceptis certe indulgere, easque fovere periculosum; neque cum illo Petri loco constare potest, 'Regem honorate.' Ecclesiæ Gallicæ suas quoque Synodos obeunt, regni edictis stabilitas: si Rex tamen ejusmodi prorogationem, locive mutationem indiceret, quod aliquando contigit, dubium non est quin Regi suo parituræ essent, quamvis Romanæ

superstitionis professori: Quid enim si Rex, vel a pestis contagio suis cavendum, vel hostis impetum metuendum esse, aut aliquid simile, qualia multa humanitus contingunt, imminere deprehenderit, hiccine Regia authoritas in sublimi specula, clavum tenens reipublicæ, pro nihilo ducenda erit?

2. Etiam convitionis temerariæ, Rege nunquam orato, ut Synodum indiceret.

" 2. Demus tamen *justum* extitisse noxæ metum, ne ex mora tandem res tota periret. *Attendant tamen*, fratres, annon supplicibus et iteratis votis a Rege petenda fuerit alia certi temporis indictio; neque enim verisimile est, Regem, et doctrina et pietate toti orbi conspicuum, addimus et prudentia non vulgari ornatum, voluisse tam necessariam Ecclesiæ fulturam convellere. Videant (inquam) fratres, annon hic prius et potius multa tentanda fuerint, quam præsumptis suspicionibus indulgeretur.

3. Item contemptus interdicti, quod conventum indixerint, et Scribam submoverint.

" 3. Adde quod cum, et per Presbyteria, ante conventum, et in ipso conventus loco, solenni more fratribus innotuisse, asseratur Regium interdictum, eos non modo non paruisse, regii ministri conqueruntur, sed et in ipso conventu apparitorem seu clericum, altero summoto, creasse, et proxime Conventum habendum indixe, non sine authoritatis Regiæ contemptu, quod quatenus cum actis Parliamenti, et usitato more conveniat, anxie hæremus.

4. Quod civilem et Regiam jurisdictionem excusserint.

" 4. Sed et acrius *multo* nos pungit, quod fratres in jus vocati, civilem et Regiam Jurisdictionem excutere visi sunt, et conscripto exhibito cujus exemplar *legimus*, *et* cui mordicus inhærere maluerint, quam illud interpretatione *mollire*, quæ Regis animum placare, et ipsos periculo eripere posset candide et moderate, de fratrum pietate et prudentia sentire par est. Absit ergo a nobis ut in quenquam jus calculi damnatorii assumamus.

5. Quod bonos offenderint, qui negant illam immunitatem, adducti et præcepto Apostoli, exemplo Apostolorum, et priscorum Patrum.

" 5. Verum quid regerant multi, et quidem boni viri, qui sertam tectam Ecclesiæ Scoticæ concordiam, et a famoso talis inobedientiæ scandalo liberam esse, vehementer cuperent, vicissim audire cogimur; atqui præterquam, quod legibus capitale subterfugium hujuscemodi esse animadvertunt, non vident quomodo Ecclesiastica de immunitate a civilibus subselliis privilegia ejusmodi constare possunt, cum præceptis Apostolicis, quæ regibus, gubernatoribus, potestatibus omnibus, omnem animam subjiciant,—*omnem*, inquam,

ne Apostolis quidem et Prophetis exceptis, interprete Chrysostomo; et obvia sunt Christi, Pauli, Ignatii, Polycarpi, myriadum prisco seculo exempla, qui nullo se privilegio existimarunt munitos, quo minus vocati se sisterent, et judicia licet profana subirent; et evocatus a Saule summus Sacerdos Abiathar, at capitale judicium, causam dixit simpliciter, nulla exceptione aut circuitione usus. At enim jam liberior est Ecclesiæ conditio.

6. Diluitur objectio a conditione Ecclesiarum liberiore.

" 6. Audivimus, et magna cum Principis laude, et beneficio, quod fraudi sibi esse vix quisquam patiatur. Oculati certe et cordati Principes, dum cogitant quibus gradibus ad tyrannicum potestatis fastigium sese extulerit Pontifex Romanus, nullo compendio majore totam Ecclesiam vident, et Barbaro fastu oppressam lugent, quam excusso civilis potestatis jugo. Ecquid mirum, igitur, si Principes, quo potentiores, et robustiores erunt, eo futuri sunt in singulos ordines oculatiores, quandoquidem si servandum est jus, accuratissima diligentia est imperii causa servandum?

7. Et Patrum authoritate multa Episcopis tribuenthum.

" 7. Neque vero nescimus, bonos et eruditos patres, Ambrosium dicimus, Augustinum, Gregorium Primum, et similes juris Ecclesiastici modeste severos vindices, in causis fidei, multum Episcopis tribuisse: et fratres, quoque, de inito conventu, controversiam mere Ecclesiasticam et Spiritualem, esse nusquam alibi, quam in Ecclesiastico generali cœtu dijudicandam; profiteri audimus; sed enim ex eventu, id est ex jam judicato, constat, eos, id quod controversum est, pro confesso sumere. Et sane, vix ac ne vix quidem, tuta stare posset imperii majestas, hac thesi semel constituta, quotiescunque Pastores aliquot conventus agitabunt, quantumvis reluctante Rege, nihil hoc ad Prætorem, de jure conventus statuat Ecclesiastica Synodus; quis admittat, probet, feret. Equidem, fratres tam a sceleratis conspirationibus abesse, quam nos ipsos, statuimus, verum qui λῃστρικας Synodos Episcoporum, Arrianorumque et circumcellionum furores meminerit, vel tum cum Alcyonia vixdum Ecclesia gustasset jus quidem Christianorum Principum, in Episcoporum conventus, ad vetus institutum informandum, et nunquam abrogandum curabit.

" Quorsum vero tam multa, num ut censoria virgula, Christiano-

rum fratrum afflictionem alia cumulemus afflictione? Facessat a nobis usque adeo ridicula temeritas, sævaque fraternitas. Verum per vos nobis liceat, fratres fratrum et Ecclesiæ Scoticæ, damnis vobis συμπασχειν. Segnius irritant animos demissa per aures, quam quæ sunt oculis commissa fidelibus. Sed quod a vobis presentibus tristissima rerum facies tristissima impetrat, ut metu, precibus, consilio, re ipsa fratribus, et laboranti Ecclesiæ manus auxiliatrices præbeatis; date et nobis absentibus, de multorum virorum bonorum cum sententia, tum hortatu, ad imminentem Ecclesiæ plagam contremiscere. Regum et judiciorum authoritate, reipublicæ salutem constare certum est, quam quidem, quotquot regnare volent, nunquam labefactari patientur; itaque judicia in reos lata, vel exequutione, vel gratiosa Principis condonatione finire est necesse. Prius illud in fratres vel metuere, vel gravissimum infligit vulnus. Ecquid enim Scotiam jamdudum Christo sacram, sacri verbi Dei ministrorum sanguine madere, honestas familias, atque adeo Ecclesias, Pastorum præsidio, sanctisque laboribus orbari sancti ministerii dignitatem fæda perduellionum labe commaculari, prædatoriam Papistarum et Jesuitarum factionem, veros Ecclesiæ Pastores, sibi rebellionis socios, aliquo saltem prætextu, affingere posse, Romanæ synagogæ triumphos et plausus eo nomine parare? Quis bonus ad tantorum malorum vel suspicionem summo cum horrore non ingemiscat. Nam ex tota illa Papistarum colluvie, si qui fortasse causæ fratrum patrocinium ostentant, Joabi osculo nobis omnibus imponunt, quos cruento gladio confossos cuperent, imo et præstarent, siquidem iis quicquid libet liceret. Martyrium fatemur splendidissimam esse coronam, sed puram castam, et ab omni mali suspicione vacuam. Enimvero fratres quotocunque in mentem venire poterit, pientissimum Regem, sacri ministerii assertorem, Antichristianæ tyrannidis infestissimum hostem, e totius Acherontis faucibus nuperrime ereptum, ipsius et suorum saluti, summo illo custode Israelis invigilante, suique Regis mentem cor, oculos, aures, manus, mirum prorsus in modum dirigente? Quis, inquam, credat clementissimum et prudentissimum Regem, innoxio sanguine Pastorum Ecclesiæ, cujus se protectorem esse gloriatur, sua subsellia polluere voluisse?

Quem animadvertant, in nonnullis patriæ et pietatis hostes plus justo indulgentiorem videri? Nunquam certe tanto Principi defuturi sunt, qui nomen ejus ab injustitiæ labe vindicent. Ergo quod unicum superest, utinam ad ejusdem clementiæ asilum confugere fratres in animum inducant. Sic enim non vanis rumoribus accipimus, et vinctis, et ministerii dignitati Regem consultum velle, quatenus per eos, inviolatam stare Regiam authoritatem licebit. Quod si nobiscum vobis eadem stat sententia, detur obecramus, in absentiæ subsidium, vestro ore aut opera periclitantes fratres, ad quos nobis alioqui non patet aditus compellare. Hic vero quid vos restitare audimus fratres, ecquid oramus a ministerii vestri dignitate alienum videtur, si malæ mentis, mali animi crimen deprecantes, qua decet animi submissione veniam a Rege vestro postuletis, si qua in re se a vobis offensum esse existimabit? *Neque vero* urgemus, ut contra mentem, quod bonum est malum esse dicatis; ex multis certe totius Regni Scotici presbyteriis ad hunc de quo agitur conventum evocatis, cum tam multi interdicto potius Regis paruerint, et ex iis qui adierunt, aliquot veniam a Rege petitam impetrarint, totidem suis quasi calculis, causæ vestræ præjudicarunt.

Concilium dant veniam culpæ deprecandam.

Ratio a causæ præjudicio, a fratribus et presbyteriis facto.

" 'In multis labimur omnes,' ait Apostolus, 'et qui verbo non offendit, hunc perfectum esse opportet.' 'Nihil,' inquit ille, 'mihi sum conscius, sed in hoc justificatus non sum.' Et si justitias nostras Propheta menstruatæ mulieris panno similes esse agnoscit; annon e turbulentis et incompositis animi affectibus, sordes multæ erumpunt, quæ nos in singula momenta, et in actionibus præstantioribus, ad culpas heu nimias ingemiscere cogunt? Itaque fratres in Christo charissimi, per vitam, et sacra capita vinctorum, imo vero per Christum totius Ecclesiæ caput, oramus, ut quatenus per serenissimi æque ac potentissimi Regis clementia licebit, ora malignantium obturetis, Symmystasque vestros meliora consilia edoctos ab imminente periculo eripiatis, quod penes eos esse, venia petita et impetrata, plerique veræ cultores pietatis non dubitant. Nos certe charissimi et observandissimi fratres, sincerum et candidum animum, his nostris literis exsculptum voluimus, ab eo scopo et norma, nullius nos unquam, aut usquam gratia abducere possit, qualiscunque autem

fuerit et scopus et tota scribendi ratio, si quid tamen vel mentis errore, vel incompositis verbis irrepserit, quod veniam mereatur, hanc concedite quotquot estis, utrobique fratres. Reliqua Christianæ charitati, justæque de fratribus, et sanctæ Ecclesiæ solicitudini ascribitote. Dominus Iesus suo vos omnes Spiritu gubernet et ducat, ad suam et Patris gloriam, Ecclesiæque totius salutem!

"Datum Londini 26 Feb. 1605, Veteri calculo.

"Vestri in Christo fratres et Symmystæ de fratrum multorum Sententia Gallicæ et Belgicæ Ecclesiarum Pastores,

"ROBERTUS MASSO FONTANUS, AARON CAPPEL, NATHANAEL MARIUS, *Ecclesiæ Gallicæ Pastores.* LEONHARDUS MOIARTUS, JOHANNES REGIUS, SIMEON RUITINGIUS,* *Ecclesiæ Belgicæ Pastores.*"

After the reading and consideration of this Letter, the Ministers in Blacknes, finding thereby their doings to be wonderfully traduced, and many calumnies spred abroad against them, to make them and their cause odious to all Forreign Churches, thought it necessarie to answer the same letter. But knowing that such as were Bishopes and Commissioners in the Presbyterie of Edenburgh would hinder the answering thereof, by the said Presbyterie of Edenburgh according to the truth, they themselves being the chiefe sowers and spreaders of such sinistrous rumours against their brethren, they thought it good to write to them generally, desiring them that as they were privie to their whole proceeding, and knew their innocencie in these things wherewith they were calumniated, to satisfie the brethren that had written to them, and to remove the offence which [was produced] by reason of such slanderous reports as were already beleeved by many, and were like to spread further, if they were not prevented in time. In the meane time, knowing not only how carelesse the same Bishopes and Commissioners would be hereof, but also how contrarie thereto, in the persones of the remanent brethren, they resolved to send an answere themselves thereto, directed to the brethren of Eden-

* In the MS. erroneously "Moiachus," and "Kintingius."

burgh, to whom that letter from London had been sent, through the help of such among them as were sincere and well affectioned, to be conveyed to the ministers of the French and Flemish for their better information and full satisfaction in that mater.

The Answere written by them is as followes:—

[See this Answer in Calderwood's History, vol. vi., pp. 402-419. It is dated "At Blackness, April 1, 1606;" and "subscribed by the warded Ministers there."]

It * is not to be omitted in this time, what it pleased the Lord to worke in the hearts of these men, who, upon the assyse at Linlithgow, had convicted the ministers in Blacknesse of treasone; diverse of whom the Lord did smyte with such consciences of their own guiltinesse, that by their trouble and grief it pleased God to make the innocency of his servants more manifest then if they had bein absolved. This was specially seen in Foster of Carden, and [Sir John] Home of North-Berwick; the formest whereof being matched with a most religious lady, who did most lamentably complean upon her husband's fault, and deplore the judgment whilk undoubtedly she expected should follow upon her husband, his posterity, and house, in the justice of God,—he, I say, was hereby so pricked in his own heart, that if, in the mercifull providence of God, he had not been keeped back from harming himself, he had oft, by his own [hand,] endeavoured to red himself of his unspeakable grief; whilk thereafter being professed be himself, he was willing to have come before the world and by his publick confession of his guiltinesse in condemning the innocent to have both eased his own heart and removed the offence of his deed from others. The other, to wit, Home of North-Berwick, was so heavily oppressed with his own burden that he was compelled to take bed for † sicknesse, till by the consolation ministred to him be his

* This paragraph is not in Gibson's MS.

† From this to the end of the paragraph is deleted in Swinton's MS. by cross lines.

pastour he was made by faith to overcome the fear of the Lord's terrour and inward conviction of his own conscience.

But to return again to the purpose before specifyed of the consultation and conclusion at Court, Mr William Irwing, according to his direction, coming to Blacknesse the 7th of Aprile, obtained entry and conference with the Ministers upon his Majestie's own warrand, and there declared, in generall, that his Majestie had graciously received their letter, red and considered it, and that thereby his Highnesse's mynd, albeit it was not fully satisfied with their proceedings, yet by this better information of their letter it was mitigat towards them; for whose full contentment he had in commission to desire them to passe from their Declinatour, and in more humble submission to make suit and supplication to his Majestie for their delivery. In the meantime he signified his particular commission in secreit to Mr John Forbes. It is in substance as it is mentioned before.* To whom they answered, That to go from their Appeale they could not, for the reasons set downe before at length, neither (as they thought) would his Majestie urge them much in that point, since they had so sufficientlie manifested their mind therein, so farre as it concerned his Majestie, both in the declaration of the Appeale before the Lord Justice, and in their letter to his Majestie sent by him before; and if yet there remained any scruple that required further clearing of their dutie in God according to conscience, they would gladlie satisfie his Majestie therein. And for the last point, they were willing, in all humilitie and reverence, to intreate his Majestie for their peace and libertie. And so after mutuall intelligence between them and their brethren in Stirling and Doune,† they wrote again to the King the uttermost of their mindes, in that mater, and sent it with the said Mr William Irwing, who tooke journey to Court the 22d of Aprill.

The copie of the foresaid letter followes:—

* From this to the end of the paragraph is from Gibson's MS. In Swinton's MS. it is represented by only two or three lines.

† That is, their brethren who were warded in these places.

"PLEASE YOUR SACRED MAJESTIE,

"The singular goodnesse and mercy of our God in his providence and watchfull cair over your Majestie's persone and government, as in all things, so specially in this matter of ours, clearly manifested, does cause us continually give thanks to his great and glorious name: First, Considering the great provocation whilk alwayes we feared, and now not only be naked report, but cheefly be an book of "Declaration," set forth be your Majestie's Counsell here, and be ane Letter sent frae the Ministers of the French and Fleemish Kirks at Londone to the ministers of Edinburgh, we evidentlie perceive hes been made to your Majestie be the sinistrous report of our doings, pairtly in suppressing the truth, and partly in calumnies against the truth, to stir up your Majestie's wrath against us;—that yet, notwithstanding hereof, the Lord of his infinit goodnesse and speciall love towards your Majestie, hes still keeped back your Highnesse's hand fra being stretched forth to the hurt of the servants of your Majestie's God. Secondlie, For that na show or cullour of justice whilk hes been put upon the wrang that we have sustained be the doers thereof, allbeit in cheefest creddeit with your Majestie, and your Highnesse oweth speciall benefeit and favour, hes born sic sway in your Majestie's resolution, that it sould carry your Hignesse's mynd to the approbation, before your Majestie, according to that princely and fatherly cair of your subjects welfair, should first find your Majestie's conscience warranted with greater surety of truth then outward showes can yeald; hereby manifesting, that as your Majestie ever misliked the outward mask of mercy, when na matter of trew humility did procuir it, so does not your Majestie acquiesce in the outward mask or show justice, where no substance of equity or truth is under it. Thirdlie, With the strength of our heart we magnify the goodnesse of our God, that he hes inclined your Majestie's heart to pity the oppressed, and to open your Majestie's ear to their cry, and hes moved his Majestie to sic clemencie as to vouchsafe a gracious receit of our letter, and ane indifferent mynd to our report; praising God for that we find no prejudice be mis-

report hes taken sic hold on your Highnesse's heart, but that there is alwayes place therein left to the truth, whereof we have clearly informed your Majestie in our last declaration, whilk we have given in the sight of God in all truth and fidelity, declaring hereby how far we have ever bein fra committing that vile trespasse, wherewith we are traduced in that print "Declaration," and Letter fra Londone, as though we had disclaimed ourself altogether fra any subjection to your Majestie and your Majestie's Counsell, by our Declinatour given in to them, making all our actions of whatsumever sort to be mere spirituall; we having first to the contrair, in our Supplication, given in to the Counsell before our Declinatour, whilk also we sent with this bearer last to your Majestie, made open profession of our willing submission to them in all things civill, and having given so full ane testimony of our duty in that poynt towards your Majestie before the Lord Justice, as in our judgment na Christian heart would require more, and that before any interlocutor was pronounced against us; whilk being dyted be us, was registrat in the Justice Books, howsoever, be appearance of the foresaid booke of "Declaration," baith it and all the rest of our reasons clearing our innocencie, are suppressed fra your Majestie's knowledge. Therefore as then, and in our last letters, so now again, we professe to your Majestie, and testify to all men, that as we acknowledge your Majestie's soveraign authority, under and in God, over us in all things belonging to this life, and this life itself; so we doe not, neither did we ever, deny your Highnesse's power over us, *vindex utriusque tabulæ*, to command and cause us in our specialest actions * to redresse whatsoever is contrair to the purity of doctrine and sincerity of order and government in the house of God, set down and prescribed be Christ, the only Head and Lawgiver thereof, in his Word, and practised therein be his Apostles, and to punish all whosoever shall be tryed † to doe any thing in the contrair. Neither ever doe we refuise your Majestie's judgment in our Assembly in this particular, but with all our hearts would maist earnestly wish that we may have your Majestie's

* In Gibson's MS. "spirituall callings." † That is, found.

presence therein, (according as it hath heretofore pleased your Majestie thereby to honour the Assemblies of the sancts in that judgment,) to see our proceidings; albeit it be true that we declyned your Majestie's Counsell in that matter of the lawfulnesse or unlawfulnesse of our Assembly, it being spirituall, and they appointed of your Majestie, onely ane Civill Judicatorie in matters civill, and that also with limitation; sa that it is lawfull to other your Majestie's subjects to decline their judgment in sic cause (albeit civill) as belongs to the Lords of Session, and criminall matters as belong to the Justice. This is the thing whilk we have done, whilk we are assured your Majestie will maist willingly allow as agreable baith to the law of God and your Majestie's own laws; and if your Highnesse hes sufficientlie espyed the wrong done to us, but more to your Majestie, in drawing in your Highnesse to be pairty to [against] us in this action, thereby the more securely and strongly under that covert, to bear out their intentions, we doubt not but your Majestie shall now proceed, as your Majestie hes begun, to the glory of God, your Highnesse's praise, and the joy of your Majestie's people, to let all your Majestie's subjects understand, that as it is said of David the King, in the matter of Abner,* sa that [which] we have suffered in this matter is not your Majestie's deid; that sa be your Majestie's countenance on the course of your Majestie's princely cair of justice, and righteous government in clemency, for the peace and prosperity of your Majestie's subjects, it may be still with your Majestie, as it is said there it was with David, that 'whatsoever the King did it pleased all the people.' And now for to this effect, as ever before, so now again, we your Majestie's loving, loyall, and harmlesse subjects, in all humility and reverence, prostrat before your Majestie, beseeks your Highnesse, our maist gracious Soveraign, to bestow upon us your Majestie's favour and clemency, to pity our desolate flocks and families, our persons, our poverty, our long and hard restraint † to the great prejudice of your Majestie's subjects, among whom so many enormities, so great impiety, atheisme and encrease

* See 2 Sam. iii. 31-37. † *i.e.* Imprisonment.

of idolatry have croppen in, becaus the watchmen have bein so long holden fra the walls. Let all the sancts and our hearts be comforted be the gracious benefeit of your deliverance, that all, in ane voice, may glorify God for his goodnesse, and offer up 'the calves of our lips' for that in his mercy he hes given, and still does preserve, your Majestie to reigne over us, ane protector of the innocent, and releef to the oppressed, and defender of the truth, ane shield and joy to the righteous, ane terrour and fear to the wicked; and that we may have occasion in our lives to expresse the thankfulnesse of our hearts, towards God and your Majestie, for his cair and singular blessing; that under your Majestie's wings as the nurishing father of God's Kirk, the sancts, with joy, may serve their God with sincerity, according to his will, being thereto not only warranted from danger be the authority of your Majestie's laudable and Christian lawes, but therein also preserved from all peril, baith of open enemies and crafty hypocrites, either without or within the bounds of your Majestie's dominions, be your Highnesse's gracious protection, whose Royall persone, posterity and estate, we humbly beseek the Lord to bless with the encrease of peace and prosperity, and to defend frae all danger, bodily and spirituall, to the coming again of Him who is blessed for ever.

"From the places of our imprisonment, the 18th and 22d of April 1606.

"Your Majestie's most humble distressed Prisoners, &c."

In* the particular commissione direct to Mr John Forbes, he, perceiving by conference with Mr William Irwing, and [by] other conjectours fearing that which afterward came to passe, that by policie of the Chancelor his enemyes, his letter was to be made the ground of their proceeding against him, as ane abuser of his creddeit at his Majestie's hands; and that, otherwayes, if Mr John should not clear the verrity of his own write, that it should be used against himself to his farder disgrace and danger; so [thus]

* From this to the end of the chapter is not in Gibson's MS.

resolving to compell Mr John, whom they concluded to use as the author of that report, (allbeit purchased from him upon the occasion ministered be others, in maner as said is,) and so, for fear of his own danger, to inforce him to manifest the truth of that matter touching the Chanceler, that thereby they might attain to their desire against him;—Mr John Forbes suspecting all these things, did write, in maner following, ane answere to his Majestie:— *

. . . . . .

These letters were delivered to Mr William Irwing the 22d of Aprile, the Ministers shewing him, that, in their opinion, they had done as far in the matter of the Declinatour as his Majestie could require, by their interpretation thereof before the Justice, and in their first letter sent by him before; and, now, lastly, in that their other letter, whilk was outermost of their minde in that eirand; so that they beleeved his Majestie should urge them no farder, in respect there remained no scruple uncleared of their duety in God, according to conscience, toward his Majestie; and if there were any yet that remained whilk required furder clearing, they were reddier therein to satisfy his Majestie. As for the last point, they were willing,—and they hoped that the letter should testify the same,—in all humility and reverence, to requiest his Majestie for their liberty and peace, so being, that by humility there were nothing named whilk might be prejudiciall to their innocency in that for the whilk they had suffered. Thus Mr William returned be post to his Majestie, who, having red the letters, was highly commoved, that Mr John Forbes by his letter did flie all accusing of the Chanceler, and only did endevour to defend himself, and make evident the truth of that whilk he had written. Whereupon his Majestie did send to the Earl of Dumbar, now on his journey with the rest of the Lords towards Scotland, ane letter showing his miscontentment with Mr John. The Earl of Dumbar, being very desirous to have that matter effectuat, after his return, did send ane trusty servant of his own with ane

* This letter is not in any of the MSS.

letter, and some credit besyde the letter, to Mr John Forbes, thereby to stirr him up to be more fordward in that action against the Chanceler. The credit we cannot set down, becaus the said Mr John Forbes does keep it secreit to himself. The letter was as followes :—*

"TRUST FRIEND, HIS MAJESTIE,"

. . . . . .

The same cause hinders us to declair what answere was given to that whilk be creddeitt was committed to the bearer, whilk suffered us not to expone the creddeit itself. Unto the letter, this answere was returned from Mr John in writ :—†

"MY VERY SPECIALL GOOD LORD,"

. . . . . .

By this letter, the Earl of Dumbar and the rest conjoyned with him were put again to ane new advisement, finding that Mr John Forbes still refuised to accuse the Chanceler of any thing, and so their purpose like to be impeided. Therefore, the next resolution was to stir up the Chanceler against Mr John, to accuse him as ane who had written ane untruth to his Majestie of [the] Chanceler; who, not being acquaint with that whilk was written, and so fearing that more had bein revealed then was, of that whilk had in secreit past betwixt him and Mr John Forbes, was easily moved to insist, that Mr John might be called to ane compt, pairtly upon the outward show of good will and favour in the Judges, who still seemed to mislike Mr John Forbes's proceeding, and partly upon the confidence he was in, that Mr John should never be able to prove that conference whilk had been betwix them, in respect it was secreit, and no man present thereat, except one hearer of good account, called Alexander Burnet, of Leyes; to whom the Chanceler did write in that matter, being his speciall trusty friend, and the only man who was able to reveal the haill secreits of that conference, shewing him thereof, and yet signifying that he could

* This letter is not in any of the MSS. † This letter is not in any of the MSS.

not expect that Mr John would give himself out as author of any sic accusation, in respect he was certain that he was not able to prove it. The reason why he so trusted, was the assurance he had of the Laird of Leyes, that he would affirm nothing to his prejudice, and he knew there was no other privy to the conference. On the uther pairt, such as were set to procure the Chanceler's disgrace, understanding who they were to whom the Chanceler had manifested that there had bein a promise past betwix him and Mr John Forbes, to whom also he had uttered his approbation of their proceedings at Aberdein, as agreable to that promise, they laboured to know of them what they would depone and witnesse in that matter if their testimony should be required; and finding sufficient evidence to verify that whilk Mr John had written, given be the Chanceler his own declaration to them, they resolved confidently to prosecut the matter, and to send for Mr John Forbes and bring him before them, to clear himself in that whilk he had written, intending the accomplishment of their purpose be his defence als well as if he had bein accuser, in respect his clearing of himself would sufficiently serve to convict the Chanceler in that whilk would undoubtedly procure his disgrace with his Majestie.

In this meantime, whill this is in deviseing, the Chanceler having called to minde his speaches to Mr James Balfour and Mr Walter Balcanquell, fearing greatly that their testimony being craved should convict him in that whilk he had pairtly denyed upon the confidence foresaid, he sent for Mr James Balfour, and finding be him that he would depone the truth of that whilk he had heard, touching his approbatione of Mr John and his remanent brethren's proceedings at the Assemblie in Aberdein, he earnestly dealt with him in the contrair; but prevailing nothing, he tooke purpose to hinder the tryall, be staying Mr John Forbes from coming before the Judges appointed in that eirand; [and] if that might not be performed, be taking all occasion from Mr John of intelligence with any man. And to this effect, first, he caused the Constable of Blacknesse to keep him and his brethren in such

strait and closse waird that no creature might have any accesse to them, neither they have liberty to acquaint others with their estate. Therefore, the Judges, having appointed the 24th of Maij to bring Mr John Forbes before them, according to his Majestie's direction, he sent for the Constable, and willed him to detein Mr John, albeit the Counsell should send for him, and, for doing so, to pretend non-payment of his charges. The Constable willing to obey him, upon information of the day the whilk Mr John was to be transported, went to the Earl of Dumbar, and did signify his purpose of deteining Mr John upon the reason foresaid. The Earl of Dumbar, espying the policy, did frustrat that intention, desiring the Constable not to detein him for that cause, seing he was to be sent back to him again, and, likewayes, he should not fail to procure his payment.

Mr John Forbes, all this time being keeped as said is, was sent for the 24th of Maij 1606, and be some servants of the Earl of Dumbar convoyed to Edinburgh, together with Mr John Welsh, upon occasion of ane letter sent be the appointed Judges to Mr John Forbes, subscribed be seven of them: The tennor followes:—

"TRUST FRIEND,—After our heartily commendations, we have given direction anent your transportation here to the brough of Edinburgh, with any one or two of your brethren whom ye think meet to accompany you, for clearing of this matter concerning the Chanceler; and if ye have any wryte, or any other verification concerning that matter, we requeist and desire you to bring the same with you, to the effect that matter may be put to ane poynt. And so we commit you to God.

"From Edinburgh, the 23d day of Maij 1606.

"Your good friend MONTROSE, *Commissioner*,
MAR, DUMBAR, FLEEMING, GLAMIS,
NEWBATTLE, SCOON."

Beside this letter, ane direction was sent to the Constable of Blaknesse to deliver the said Mr John Forbes to a servand of the Earl of Dumbar's, and siklike, any one or two of his bretheren whom he should think meet to accompany him.* Wherupon Mr John Forbes thought expedient that Mr John Welsh should goe with him, in respect the Chanceler had most plainly entered his mynd to him anent their proceedings at Aberdein, and of Mr John Forbes's honesty in keeping promise to him therein; whilk also being known to the Judges, moved them so to write to Mr John Forbes; who being brought before the Counsell, and Mr John Welsh with him, Mr John Welsh was removed till the Counsell should conferr with Mr John Forbes. A long reasoning was betwix the Counsell, then conveened, and him in that matter, the Counsell urging him to prove that whilk he had written, and he defending, that be no reasone or law could he be desired to do so in a matter so privat and secreit, whilk he had in sic manner uttered to his Majestie, as is before specifyed, for so sould no man hereafter open up any thing to his Highnesse, although it should greatly concern his honour and peace, if he should find that he behoved in publick judgment to verify the same; beside that in that matter, he understood no undutifulnesse in the Chanceler wherefor it should be so tryed; and, therefore, as for himself, he would nawayes be his accuser, only he was to answere for himself in any thing they or any man had to accuse him.

The Counsell again answered, That albeit he esteemed that whilk he had written of the Chanceler to be no offence, yet his Majestie thought otherwayes, and therefore it behoved him to verify that, lest he should seem to traduce one of his Majestie's speciall Counsellers. Mr John again replyed, That so every thing that any subject should write of ane Counseller might be made ane offence, and so bring the writer in danger of the former guiltinesse, if so be that whatsoever his Majestie should think ane offence it should be so esteemed, and the writer compelled to answere thereto: alwayes that it was his Majestie's will that he should clear the verity of that matter he was content in that form to do it, whilk was

most agreeable to the nature of it, and manner of his revealling of it, whilk being secreet, he would, be privat information, satisfie his Majestie's mynd in sick sort, as his Majestie should clearly perceive the verity of that whilk he had written; wherein, if he failed, he was content that his Majestie should esteem of him as a traducer of his Counseller and punish him accordingly.

The Counsell answered, That it was his Majestie's will that that matter should be tryed before them, and that they should report the tryall to his Majestie; therefore willed him to tell if he would prove it or no. He perceived that no answere would move them to desist from the publick tryall, desired that the Chanceler might be brought before him, that he might confer with him, in respect he believed he should deny nothing of that whilk he had written, having given sic publick evidence thereof himself so oft before; but this being refuised, upon the affirmation that the Chanceler did deny any conference with him in the matter, and he enquired what way he would prove it; answered, That since it behoved to be so, his Majestie, and his servitour, Mr William Irwing, had presented their [three] wayes to him, whereof his Highnesse was content to accept of any one, to wit, either writt, witnesse, or circumstance. The Counsell demanding be which of the three he would verify that matter, he answered, When it came to the actione they should know, but before would not manifest his purpose; but if he proved not the truth of his writ, his Majestie could judge sufficiently. And directing his speach to the Advocat, who was his accuser, [he] said, That he thought his Lordship might have long since wearyed in accusing the servants of God, alwayes he hoped in God that his Lordship should not obtain his desire in that matter, more then in his former proceedings; wherein he himself finding that the sentences hitherto * pronounced against him and his brethren was no sufficient cover to their malice, nor warrand for the severity intended and concluded in their hearts against him and his brethrein; therefor was it that in this particular his Lordship pressed to catch

* From this to the end of the sentence is deleted in Swinton's MS. by cross lines.

some advantage to his disgrace, thereby intending to make him and that truth, for the whilk he and his brethren suffered, the more odious to all; yet he trusted that herein, as in all the former, the Lord should bring his innocency to light, and frustrat the enemies of his truth of their hope. Therefore, according to his last letter sent to his Majestie, he would not directly take in hand to prove the preceding conference, in respect it was secreit, without any witnesse except one, in the Chanceler's own cabinet, wherein he consented to all that was proceeded in that meeting, and contained in the processe of their Assemblie. But after the Assemblie, he, [Forbes,] having sent information of the form of the proceeding, with ane authentick coppie of the processe, the Chanceler be word allowed and approved all that was done; whilk approbation of their proceedings he would prove sufficiently, as done according to the agreement preceding.

This his offer being set down in writ after this same manner, and subscribed be him, the 13th of June was appointed for his proofe. And being again demanded be the Advocat, If he would prove the Chanceler's approbation in every particular of their proceedings, as the election of the Moderator, the election of ane Clerk, &c., he answered, He marvelled that his Lordship did propone sic questions, if he desired, as he pretended, to have that mater brought to light for his Majestie's satisfaction; for thereby it seemed rather that he was willing to cover the evidency of it by some policy, in causing it seem that he had succumbed in his proofe, because he had failed in clearing the Chanceler's consent to every particular circumstance of that action, albeit he should sufficiently verify his consent to all in substance. [He] therefore declared he would add nothing to that whilk he had set down; but whatsoever was contained in that process, whereof they had received ane coppie, and whilk was the ground of the proceeding against him and his bretheren, and whereof they had some information to his Majestie, he would verify the Chanceler's approbation to it all. Being again demanded, If he had any farder information to give unto his Majestie anent the clearing of that matter, he answered, That he would

declare no furder at that present, albeit he knew furder in that matter, whereof, if it were his Majestie's pleasure, he would give information to his Majestie's self, to the effect his Majestie might make his use thereof allenarly; and would also give his Majestie his opinion how to understand the truth thereof; but he would neither be ane accuser in that particular, nor have himself burdened with probation in judgment thereof, nor have it to come under processe, according as they had brought that particular of his letter to his Majestie.

This his last speach he was also caused subscribe, and so with Mr John Welsh was sent to the Castle of Edinburgh, there to be keeped in closse waird, no man having accesse to them untill the 13th of June. The Lords that did sit on the tryall of that matter were Montrose, Commissioner; the Earl of Mar, the Earl of Dumbar, the Lord Fleeming, the Lord Glames, the Lord Newbatle, the Lord of Skoone*, the Collector, and the Advocat; of whom, albeit some were set to have that matter brought to light, yet others, specially the Advocat, was inclined to the contrair, in favours of the Chanceler, and therefore did all that he might to intrap Mr John Forbes, that in something he might seem to have failed. They who were of the other intention perceiving that Mr John still feared their policy, as though they did intend rather to disgrace him then to harm the Chanceler, and that the most favourable drift they had in that matter was to remove the blame of sic severity as should be used against him from themselves, be making it appear that it did not flow from their deed at Linlithgow so much as from that new occasion; thereby thinking to recompense the Chanceler, and meet his policie with the like; who, as he had endeavoured to turn over the hatred of the Ministers trouble upon the Earl of Dumbar, in causing him to be sent to be actour in the conviction at Linlithgow, so there, likewayes, the Earle of Dumbar, both to disburden himself and [for] recompencing of the Chanceler, did endevour to cause it seem to all men that it should be for his

* Sir David Murray of Gospertie, created Baron Scone in 1605, and Viscount Stormont in 1621.

cause in particular, in his privat revenge, that the [said] severity should be used against Mr John Forbes;—they, as said is, perceiving Mr John to suspect these things, and, therefore, to be more spairing then they would have wished him, and that he fled so far as he might the publick tryall of that matter, and desired to have liberty be his own presence to satisfy his Majestie, they delt with him to be more fordward, in respect they understood that he was able to prove his alledgeance sufficiently, having themselves conferred with his witnesses, and heard what they would depone. Yet he, still willing to shew that form of proceeding, desired that if they would have his Majestie resolved in that matter they would procure his going to Court, that he might inform his Majestie himself in the verity of that matter. They, being most desirous of whatsoever form might serve most for clearing that purpose, willed himself to write to his Majestie to that effect, and they should convoy it to his Highnesse, and labour be their moyen to obtain his suit.

Mr John Forbes, perswaded that if his Majestie was so instant as they pretendit to have that matter tryed, he would easily condiscend to send for him, and so desirous to try his Majestie's mind before the day, thinking either to stay the publick tryall, or then to obvert all offence that might therein arise if his Majestie's expectation were not fully satisfied, according to the information and assurance he was put in be these men, was glade to embrace that opportunity of making his mynd in that mater known to his Majestie; and, therefore, did write as after followes:—

PLEASE YOUR SACRED MAJESTIE, *

. . . . . .

This letter he sent open to the Earle of Dumbar and the Lord Fleeming, that they might read it, and so no wayes offend with that he did; as also, [that,] being resolved with that whilk he was

* This letter is not in the MS.

to doe, they might before hand advise if that would satisfy his Majestie, and so deal either for staying the tryall or procure his sending for accordingly. They having red it, and being fully satisfied therewith, as containing sufficient to verify the matter in hand, they did post it to his Majestie with the Laird of Burlie; whilk his Majestie having read, [he] was more incensed against the Chanceler then before. Who, fearing no let in respect the purpose had not framed according to his hope, for he still expected that Mr John Forbes should have bein straited with proving the conference, wherein he assured himself that he would succumb; but now perceiving that Mr John had not uttered the things that most he feared, and for the whilk he at the first denyed the conference itself; as also that Mr John had taken no more to prove but his verball approbation of their proceedings, as done according to promise, and so by consequence to clear the conference; he, knowing very well that Mr John was able to justify himself in that point [to] his own disgrace, did send to his Majestie, requesting him to procure his favour; who labouring in his favours, his suit was first repelled be his Highnesse, but thereafter, be intercession of the Earl of Sallesberry, his Majesty yealded, albeit that matter was proven, to suffer the Chanceler to remain in his office; and therefore did send home certaine instructions to the Earl of Dumbar with the Laird of Burlie, whereof one concerning that matter was, that he would not have his Chanceler convict in that whilk Mr John did alledge, because Mr John was ane convict man himself, neither would he have him put from his office albeit that matter were proven.

The Earl of Dumbar, perceiving his Majestie's resolution changed, and so the purpose na wayes like to succeed, thought meit not altogether to losse the Chanceler's favour since he was not yet to fall, and therefore, by mutuall intelligence past betwix them, he agreed to convoy the tryall als far as he might to the Chanceler his advantage, and to Mr John Forbes prejudice, that it might seem that the Chanceler did not continue in his Majestie's favour, and in his office, so much by grace as merit; for since it was his Majestie's

will that he should be esteemed innocent, albeit the matter wer proven, he thought it meetest to pleasure the Chanceler, as said is, that thereby it might appear that the Chanceler had obtained that benefeit by his procurement. And to this effect there were two things wherein he yealded to satisfy [the] Chanceler; the one was that Mr John Welsh, howsoever before allowed to be ane witnesse, and brought from Blacknesse to that effect, yet he should be stopped unexamined in the tryall, becaus he was able to verify the Chanceler's approbation of Mr John Forbes's honesty in keeping promise most clearly, and for the doing hereof to excuse himself, to pretend that Mr John Welsh was ane convict persone; the other thing was, that albeit Mr John should not use the Laird of Leyes* as ane witness, yet, at his requeist, the Earl of Dumbar promised he should be examined in his favours.

Thus the day being come of tryall, Mr John was brought before the Counsell, where many questions were again purposely proponed be the Advocat, to bring Mr John in some snair; whereunto Mr John did give sic answers as might give no advantage against himself, or they [he?] refused to answer them at all, alledging, he was come there to answere to no new things, but to clear himself of that whilk the last day he was burdened with, and, being reddie to doe the same, he was holden to do no furder. Being enquired how he wald prove that matter, he did give in fower witnesses laufully summoned, to bear witnesse in that matter, to wit, Mr James Balfour, Mr Walter Balcanquell, ministers of Edinburgh, Mr John Welsh and Mr Robert Carcart. And therafter being desired to declare, If he would give in any circumstances to clear that matter, he answered, "He would use none at that time except one, to wit, the Chanceler's conference with himself before the Counsell, the first day of his imprisonment." Being urged be the Advocat to use the Laird of Leyes as one of his witnesses, in respect he understood the secret of that matter best, he answered, "He would not, in respect he had not taken the conference directly to prove, but the Chanceler's verball approbation

* Thomas Burnet of Leyis, in Aberdeenshire.

afterward of the proceeding, wherein the Laird of Leyes could not be a witnesse, being none of them to whom he had uttered the said approbation."

The Advocat insisting on that matter purposely, that either Mr John might be compelled to use him, or then incur some suspicion for refuising him, that his cause was not honest; Mr John answered, That it was ane new forme of justice, that the pairty to whom probation of a matter was referred, should not have liberty to make choise of his owne proofe, and that the judge should be so partially set, that albeit the matter were sufficiently verifyed, yet if their humor, or rather the humor of the adverse pairty, were not followed in the probation, it should be a prejudice to him that proves; [and] he hoped that, in all indifferent myndes, it should rather manifest the evill disposition of the judges then any weaknesse in his cause. But if his Lordship was so desirous to have the matter exactly tryed, for his Majestie's pleasure, as he still pretended, he willed him, and the remanent Lords, to use all the meanes they thought meet or expedient for the same, to witnesse their duetifulnesse to his Majestie. As for him, in that whilk he had taken to prove, he would use sic witnesses as he pleased himself; and seeing in doing so, he prejudged more himself then the Chanceler, he thought his Lordship should nowayes be grieved thereat.

Hereafter Mr John again desired to have the Chanceler brought before their Lordships, that he might confer with him; but this being again refused, the witnesses are all fower called. Mr John Forbes, hearing them called, desired the Lords to send their warrand to the Castle for Mr John Welsh, in respect, without the same, he could not be suffered to come and give his testimony; whereat the Clerk (being at the doore) returning, alledged, ane masser was directed. Thus Mr John, before the witnesses cam in, is removed, [and] neither the Chanceler nor he brought to see their oath taken.

Mr James Balfour and Mr Walter Balcanquell in their depositions agreed both in one, conform to that whilk Mr John Forbes

had written to his Majestie; * for Mr John, before his writing to his Majestie, understanding of them the conference betwix the Chanceler and them, did so write as he knew of themselves they would testify in judgment.

Mr John Welsh was past unsent for, or examined, according to the paction betwix the Chanceler and the Earl of Dumbar.

Mr Robert Carcart deponed, That he heard not all that was bewix the Chanceler and Mr John Welsh, but that he heard him enquire, "If ane act was made against the Commissioners?" And Mr John assures him, there was none, and to clear that he saw him take ane written processe and present to the Chanceler; after the whilk he heard the Chanceler say, "If there was no more done there was the less fault done, or thereby in sic like tearms."

After the examination of thir witnesses, Mr John was called in again, and being enquired, If he would use any farder proof? He answered, That for that time he would use no furder probation then he had given in alreaddy. Whereupon he is sent again to the Castle, not knowing till he was come out, that Mr John Welsh was not examined.

After his departure the Laird of Leyes is examined in favours of the Chanceler, who confessed the conference and his presence thereat, and that there was a promise but that there should be no Assemblie holden there.

The matter being tryed, and by the deposition of Mr James Balfour and Mr Walter Balcanquell clearly proven, as likewayes, (albeit somewhat obscure) be Mr Robert Carcart's,—and the Laird of Leyes deposition, albeit given in favours of the Chanceler, making the matter more evident,—yet according to his Majestie's direction to the Earl of Dumbar, the report was caused passe, that nothing was proven against the Chanceler.

Hereupon, in the hearts of many even well affected, yet ignorant of the truth, great offence was taken, for encreasing whereof, the evil disposed and the Chanceler's favourers did spread in all places the most vile and odious calumnies upon Mr John Forbes

* From this to the end of the sentence is deleted in the MS.

that their malice could devise; the Devill and his instruments hereby taking occasion to make the sufferings of him and his brethren to be the lesse esteemed, and their cause the less regarded, and their persons the more despised; the hearts of the best sort being greatly confounded, esteeming all things to have been according to the open bruit. Mr John Forbes did patiently bear all things, commiting his cause to God, who dayly did clear his innocency be bringing the truth to light, and making it known how dewtifully he had behaved himself from the begining of that action, even towards his greatest enemies; whilk being known to the Chanceler, who feared more the things that he concealed, then all that was uttered, he purposely did speak favourablie of Mr John Forbes before his wellwillers, and caused his friends so to do, that he might be stayed from declaring the secreits of that conference, albeit to others baith him and his friends did manifest their malice towards him; always nothing served so much to testify Mr John his innocency, as his Majestic's silence in that matter, after the receit of the processe caryed to his Highnesse be the Lord Fleming; who, perceiving the deposition to agree with Mr John Forbes own writing, was stayed from useing that as ane advantage against him, to put his purpose in execution. So Mr John remained in the same cace he was in before, it being certain, if the reports had been trew that were spread of him in that eirand, sic ane occasion would not have bein slipped, when be all means, directly and indirectly, a pretence was sought against him, to rid the land of him, either be death or banishment. This opinion did hold the hearts of all well affected men in ane suspense, till God did more clearly manifest the truth. Mr John, in this meantime, albeit greatly allured be others, and provocked be the Chanceler's malice, yet did not suffer himself, by the one or other, to be overcome, so as to utter any thing to the Chanceler his prejudice, albeit he might have many wayes procured his disgrace.

## CAP. XIII.*

SOME MINISTERS SENT FOR BY HIS MAJESTIE.—THE GENERAL ASSEMBLY STILL SHIFTED.—A PETITION SENT BY THE WARDED MINISTERS, AND A PROTESTATION BY SOME OTHER MINISTERS TO THE PARLIAMENT OF PERTH, BUT NOT PRESENTED.—SOME ARTICLES PENNED BY THEM.—WHAT MATERS WERE CONCLUDED AT THE PARLIAMENT OF PERTH.—A PETITION SENT FROM THE WARDED MINISTERS TO THE KING, AND A LETTER TO THEIR BRETHREN GOING TO COURT.

About the latter end of June 1606, the King sent for some of the Ministers to come to him against the 15th day of September nixt following. The persons sent for were these: Mr Andrew Melvill, Mr James Melvill, Mr James Balfour, Mr William Scot, Mr William Watsone, Mr John Carmichell, Mr Robert Wallace, Mr Adam Colt, Mr Henry Philipe; of the which, the first eight were known to be of the most learned, wise, faithfull and upright in the land, and thus most opposite to all the wickednes of the Bishops and Commissioners; the last being of another disposition, was purposlie, (as it was thought,) sent through the policie of Mr James Nicolson, to the end, that being in company with the others, he might be acquainted with their mind, and give intelligence thereof to the King and to the Bishopes and Commissioners. But this policie being perceived, the danger was prevented by the others refusing to have him in their companie. The first [thing] that was secretlie aymed at, was thereby to find out a fair excuse for adjourning againe of the Generall Assemblie, appointed by publick proclamation to be keeped the last Tuesday of Julij nixt following, in Dundie; which was shortly manifested by another proclamation, forbidding the said Assemblie in Dundie,

* This and Chapter xiv. are supplied from Gibson's MS. Neither of them is contained in Swinton's MS.

and ordaining it to be keeped at Perth the first Tuesday of Maij 1607. The copie of the Proclamation followes :—

"JAMES, by the grace of God," &c. *

. . . . . .

What further intention and secrete purpose was under this policie it will be manifest by the successe and event of things following. The resolution of altering the government and discipline established in the Church was already evident to all men, as in the Parliament keept at Perth, the King's supremacie over all persons, in all causes, was much advanced and openlie inacted, and the Bishopes restored to the same estate that they were in before the yeare of God 1552. To this Parliament came divers of the best affected ministers, and penned a Protestation † to be presented to the Estates assembled.

Likewise, the Ministers in ward sent a Petition for their releasing out of prison, with an Instruction to the Estates in Parliament of the Griefes whereof they complained, and which they humbly desired to be considered and redressed. The Petition followes :—

"RIGHT," &c.

[See this Petition in Calderwood's History, vol. vi. pp. 548-551.]

Neither of these was presented to the Parliament, because the Bishopes and Commissioners fearing such things, procured a decree of Councell, that nothing should be received concerning the Church save that which was presented by the Commissioners of the Generall Assemblie. Thus they closed the way from all their brethren, that nothing could come from them to the knowledge of the Estates. The brethren assembled, perceiving that there was no way but by the Commissioners to have their petitions delivered,

* This Proclamation is not contained in the MS.

† See this Protestation in Calderwood's History, vol. vi. pp. 485-491. It is subscribed by 42 ministers.

were compelled to deale with them, who outwardlie pretended an earnest desire to concurre with them in all things concerning the good of the Church, but nevertheless they refused to deliver their Protestation, and the Petitions and Griefes of the imprisoned Ministers. Whereupon, Mr Peter Blakburne, Mr Patrick Symson and Mr William Cowper, being of a contrarie opinion to the rest, agried to deliver their afflicted Brethren's Petitions; which, being perceived, a new remedie was found by the others to frustrate their purpose, which was, that nothing should be delivered by any two or three of the Commissioners, but only by Mr Patrik Galloway, their Moderator, as speaker of the whole number. These three ministers being thus hindered, resolved to labour with Mr Patrik Galloway, to present the Petitions; who at length consented thereto, and to that effect, being come to the place where the Parliament was keept, Mr James Nicolson entering at that same time, and hearing of their purpose, stayed Mr Patrik Galloway from delivering any such thing, so that nothing at all of the ministers affaires came to the knowledge of the Parliament.

The Ministers assembled there for the good of the Church, finding no other remedie, did penne four Articles, and desired the Commissioners to deliver them to the Court of Parliament. The Articles were as followes:— *

. . . . . .

In this Parliament † was layed the foundation of that antichristian tyrannie and overthrow of all true Christian government in the House of God, wherein the least part was not the Bishopes and Commissioners; who also consented to the erection of seaventeen Abbacies and Priories, consisting for the most part of tithes, into temporall Lordshipes, to such Noblemen and new Lordes as thereby might be brought to consent to these three things required in Parliament, all three tending to the high dishonour of God, the bondage of the Church and Kingdome, and utter ruin both of Reli-

* These Articles are not in the MS.

† On the 11th of July 1606. (Acta Parl. Scot. vol. iv. pp. 281, 361.)

gion and Commonwealth. The first was, The King's supremacie over all persons in all causes, a prerogative belonging to none save Jesus Christ alone, to whom only all power and all judgement is geven of the Father. The second was, The establishing of Bishopes, as hath been said, so that neither the Church nor the kingdome should be without a note of Antichristianisme, in the highest degrie repugnant to the royall dignitie of the Sonne of God. The third was, A subsidie of 400,000 Markes Scotish, to recompence the King's losse sustained in erecting the said Bishopes, although it was not so pretended but for paying of some of his debtes. Thus, in this Parliament was that solemne Covenant sworne and subscribed by his Majestie and the whole Estates openlie violated and broken by them all, which cannot passe unpunished of God, who never suffered the taking of his name in vaine, in such an high degree, to passe without an open manifestation of his wrath, in measure answerable to so great a sinne.

About the 20th of August, the forenamed Brethren sent for by the King, tooke journey to Court, and besides them, four Bishopes and four Commissioners, for whom also his Majestie had written secretlie. The going of these two last caused all good men expect the lesse good of that voyage. The imprisoned Ministers, for the full discharging of their dutie, thought it expedient to send with their brethren their Petition to the King, containing a plaine declaration of their mind in the things then controverted, and of the wrongs they suffered, and their afflictions; together with a copie of their Griefes, sent by them to the Parliament. The Petition was as followes:—

[See this Petition in Calderwood's History, vol. vi. pp. 563-566.]

## CAP. XIV.

THE COPIE OF HIS MAJESTIE'S LETTER TO THE COUNCELL OF SCOTLAND, CONCERNING THE SENTENCE TO BE PRONOUNCED AGAINST THE IMPRISONED MINISTERS.

The King's Majestie, having at length resolved touching the warded Ministers, thought it most expedient not to use them with all extremitie of punishment, but only to banish them out of Scotland, and so be rid of them for ever. Whereupon he sent this letter following to the Councell:—

"JAMES REX,

"Whereas in our Justice Court, keept at Linlithgow the 10th of January last bypast, Mr John Forbes, minister at Awford; Mr John Welsh, minister at Air; Mr Robert Durie, minister at Anstruther; Mr Andrew Duncan, minister at Caraill; Mr Alexander Strauchen, minister at Creich; Mr John Sharpe, minister at Kilmany; were convicted of the crime of Treason, for their contemptuous and treasonable rejecting the judgment of us and the Lordes of our Privie Councell *simpliciter*, by a Declinator subscribed with their hands, and given in by them in judgment before the said Lords of our Councell, as in the said process of conviction, at more length, is contained; and the pronouncing of the sentence being by our Lord Justice, upon grave and weighty respects, delayed till our further pleasure were knowen therein: We now, considering the great insolencie of that proud contempt, and what dangerous example it might be, if it should passe unpunished, having, out of our accustomed lenitie, geven to these declared Traitors more then sufficient time to have implored and made humble sute for our mercie; yet finding nothing in them but a continuing obdured obstinacie and wilfulnes, without likelihood or appearance of amendment or repentence in them, for their former committed follies; and albeit the greatness of their offence, and

specially in men of that calling, whose lives should be lanternes and lights to others, to carie themselves in all duty and obedience; and therefore their oversights, requiring the more severe animadversion and punishment, hath most justly merited the extremitie of the rigour of the law to be inflicted upon them, for an example, to terrifie all others from attempting the like: Nevertheles, because hitherto that law hath never been put in execution, whereby some men may perhapes pretend that they had the more probable ignorance thereof, allbeit, in reason, the same can be no excuse, We have, of our wonted clemencie, upon that respect only, spared to inflict the rigour of the law at this time; it being our will and pleasure that our Lord Justice, or his deputies, should appoint and affix a Justice Court, to be keept at Linlithgow, or any other place else that you shall think expedient, upon the 23d day of October nixt to come, and there cause sentence to be given out against the said traitors, to be banished out of all our dominions during all the dayes of their naturall lives, upon paine of death; and the sentence being pronounced, our will and pleasure is, that they be taken backe againe to prison, there to remaine for the space of one moneth, to prepare themselves for their departure; [before the expiry whereof, if they do not depart, *] wind and weather serving, our will and pleasure is, that the ordinarie death usually inflicted upon traitors be directed to be executed upon them; and if they shall not depart within the said space, or being departed, shall returne into our dominions without our licence, they shall incurre the paine of death, and all other paines due to persons convinced of treason. Wherefore these presents shall be to our said Lord Justice a sufficient warrand. And because this, our gentle dealing and great clemencie, extended toward those above named offenders, in this their so heinous a crime and offence, may perhaps move in some others some presumption to think, that for trespasses of this kind no greater rigour could be hereafter used; for removing of which their foolish opinion and

* These words are supplied from another copy of this letter.

conceit, and that everie one may take notice of our full determination in any such like case hereafter, Our will and pleasure is, that, in our said Lord Justice his court, to be keept the said day for pronouncing of the said sentence, speciall intimation be made in open court, by our said Lord Justice, to all our lieges then present, that it is our resolution, that if any shall hereafter offend in such an high trespasse, they shall be used with all severitie, and that the death due unto traitors shall be inflicted upon them, with all rigour; the example of this our present lenitie at this time, never remaining any motive to induce us to shew any such clemencie to such as shall commit the like offence hereafter. And Our will is, that these presents be recorded in the Books of Adjournall, and that publication be made hereof at the Market Crosse of Edenburgh, and all other places needfull. Geven at Hampton Court, the 26th of September 1606.

"To his trustie and wel-beloved
Councell of Scotland."

The effect of this Letter was duely fulfilled,* and the Ministers being banished out of all the King's dominions, were dispersed in divers forreign countreyes; the particular relation whereof might perhaps seeme too tedious unto the Reader, and, therefore, I will here make an end of this pitifull Historie.

* That is, at the Justice Court held at Linlithgow, on the 23d October 1606, there was pronounced a sentence of perpetual banishment, under pain of death, out of all the King's dominions. (Pitcairn's Criminal Trials, vol. iii. p. 503.)

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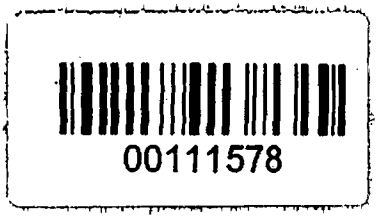
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